

ORDINANCE NO. 04-030
File Number PA-03-007

AN ORDINANCE CHANGING THE FUTURE LAND USE DESIGNATION OF THE ST. LUCIE COUNTY COMPREHENSIVE PLAN FOR CERTAIN PROPERTY IN ST. LUCIE COUNTY, FLORIDA; PROVIDING FOR FINDINGS OF CONSISTENCY; AUTHORIZING AMENDMENTS TO THE FUTURE LAND USE MAPS OF THE COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION.

WHEREAS, the Board of County Commissioners of St. Lucie County, Florida, has made the following determinations:

1. BJK, Inc., a Florida Corporation presented a petition for a change in Future Land Use Designation from RS (Residential, Suburban - 2du/ac) to RU (Residential, Urban - 5du/ac);
2. On February 19, 2004 the St. Lucie County Local Planning Agency held a public hearing on the petition, after publishing notice at least 15 days prior to the hearing and notifying by mail all owners of property within 500 feet of the subject property, and has recommended that this Board approve the hereinafter described request for a change in Future Land Use Classification from RS (Residential, Suburban - 2du/ac) to RU (Residential, Urban - 5du/ac) for the property described in Part A below;
3. On April 6, 2004, this Board held a public hearing on the petition, after publishing notice at least 15 days prior to the hearing and notifying by mail the owners of property within 500 feet of the subject property.
4. On April 6, 2004 this Board authorized the transmittal of this petition to the Florida Department of Community Affairs for further agency review in accordance with the provisions of Chapter 163, Florida Statutes; and
5. On October 18, 2004 this Board held a public hearing on the petition, after publishing a notice of such hearing in the Fort Pierce Tribune and the Port St. Lucie News on October 8, 2004 and notifying by mail all owners of property within 500 feet of the subject property.

Prepared by: Co. Atty

JOHANE HOLMAN, CLERK OF THE CIRCUIT COURT - SAINT LUCIE COUNTY
File Number: 2494596 DR BOOK 2087 PAGE 1225
Recorded: 10/29/04 14:52

1 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St.
2 Lucie County, Florida:

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5 **A. CHANGE IN FUTURE LAND USE DESIGNATION**

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7 The future land use designation set forth in the St. Lucie County Comprehensive Plan for the
8 property described as follows:

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10 BEING A TRACT OF LAND LYING IN SECTION 27, TOWNSHIP 35 SOUTH, RANGE
11 39 EAST, ST. LUCIE COUNTY, FLORIDA, AND BEING MORE PARTICULARLY
12 DESCRIBED AS FOLLOWS:

13
14 BEGIN AT THE POINT OF INTERSECTION OF THE SOUTH RIGHT-OF-WAY LINE
15 OF OKEECHOBEE ROAD (STATE ROAD 70), AND THE WEST LINE OF THE EAST
16 475.50 FEET OF THE EAST 1/2 (ONE HALF) OF THE NORTHWEST 1/4 (ONE
17 QUARTER) OF SAID SECTION 26; THENCE S 00°38'12" E, ALONG LASTLY SAID
18 LINE, A DISTANCE OF 1,015.06 FEET; THENCE N 76°55'35" W A DISTANCE OF
19 192.11 FEET; THENCE N 84°03'21" W A DISTANCE OF 115.71 FEET; THENCE S
20 88°22'46" W A DISTANCE OF 127.13 FEET; THENCE S 77°36'36" W A DISTANCE OF
21 111.69 FEET; THENCE S 65°57'54" W A DISTANCE OF 255.96 FEET; THENCE S
22 57°01'29" W A DISTANCE OF 269.40 FEET; THENCE S 87°11'51" W A DISTANCE OF
23 420.31 FEET; THENCE S 88°39'50" W A DISTANCE OF 506.80 FEET; THENCE N
24 00°38'12" W A DISTANCE OF 1,196.48 FEET TO THE INTERSECTION WITH A NON
25 TANGENT CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 2,730.79
26 FEET, THE CHORD OF WHICH BEARS N 85°30'32" E, AND BEING THE AFORESAID
27 SOUTH IGH-OF-WAY LINE OKEECHOBEE ROAD (STATE ROAD 70); THENCE
28 EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 438.97 FEET
29 THROUGH A CENTRAL ANGLE OF 09°12'37"; THENCE S 89°53'10" E A DISTANCE
30 OF 1,067.56 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTH
31 HAVING A RADIUS OF 2,044.08 FEET; THENCE EASTERLY ALONG THE ARC OF
32 SAID CURVE A DISTANCE OF 349.33 FEET THROUGH A CENTRAL ANGLE OF
33 09°47'30"; THENCE N 80°19'20" E A DISTANCE OF 75.32 FEET TO THE POINT OF
34 BEGINNING.

35
36 CONTAINING 48.72 ACRES, MORE OR LESS.

37
38 owned by BJK, Inc. is hereby changed from RS (Residential, Suburban – 2du/ac) to RU
39 (Residential, Urban – 5du/ac).

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42 **B. FINDING OF CONSISTENCY**

43
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1 This Board specifically determines that the approval of this change in the Future Land Use
2 Element is internally consistent with the policies and objectives contained in the St. Lucie
3 County Comprehensive Plan, specifically Policies 11.1.3.6 and 11.1.3.7 of the Capital
4 Improvements Element, which identify this approval as a Preliminary Development Order
5 and provide for the recognition that impacts of this approval on the public facilities of St.
6 Lucie County will not occur until such time as a Final Development Order is issued.
7
8

9 **C. CHANGES TO THE FUTURE LAND USE MAPS**

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11 The St. Lucie County Growth Management Interim Director is hereby authorized and
12 directed to cause these changes to be made in the Future Land Use maps of the Future Land
13 Use Element of the St. Lucie County Comprehensive Plan and to make notation of reference
14 to the date of adoption of this Ordinance.
15

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17 **D. CONFLICTING PROVISIONS**

18
19 Special acts of the Florida Legislature applicable only to unincorporated areas of St. Lucie
20 County, County Ordinances and County Resolutions, or parts thereof, in conflict with this
21 Ordinance are hereby superseded by this Ordinance to the extent of such conflict.
22

23
24 **E. SEVERABILITY**

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26 If any portion of this Ordinance is for any reason held or declared to be unconstitutional,
27 inoperative or void, such holding shall not affect the remaining portions of this Ordinance. If
28 this Ordinance or any provision thereof shall be held to be inapplicable to any person,
29 property, or circumstances, such holding shall not affect its applicability to any other person,
30 property or circumstances.
31

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33 **F. APPLICABILITY OF ORDINANCE**

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35 This ordinance shall be applicable as stated in Paragraph A.
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38 **G. FILING WITH THE DEPARTMENT OF STATE**

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40 The Clerk is hereby directed forthwith to send a certified copy of this Ordinance to the
41 Bureau of Laws, Department of State, The Capitol, Tallahassee, Florida, 32304.

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H. FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS

The Growth Management Interim Director shall send a certified copy of this Ordinance to the Department of Community Affairs, 2555 Shumard Oak Boulevard Tallahassee, FL 32399-2100.

I. EFFECTIVE DATE

This Ordinance shall take effect upon the issuance by the State Land Planning Agency of a Notice of Intent to find the adopted amendment in compliance in accordance with Section 163.3184(9), Florida Statutes, or until the Administration Commission issues a final order finding the adopted amendment in compliance in accordance with Section 163.3184(10).

J. ADOPTION

After motion and second, the vote on this resolution was as follows:

Chairman Paula A. Lewis	Yea
Vice Chairman John D. Bruhn	Yea
Commissioner Cliff Barnes	Yea
Commissioner Doug Coward	Yea
Commissioner Frannie Hutchinson	Yea

PASSED AND DULY ADOPTED this 18th day of October, 2004.

**BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA**

BY Paula A. Lewis
Chairman

October 18, 2004

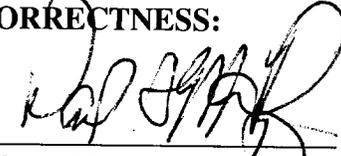
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ATTEST:


DEPUTY CLERK

**APPROVED AS TO FORM AND
CORRECTNESS:**


COUNTY ATTORNEY

dw

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