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ORDINANCE NO. 04-035

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, based on the testimony and evidence including, but not limited to the staff report, has made the following determinations:

1. Gary Smigiel, Smigiel Partners IX, Ltd. presented a petition for a change in Future Land Use Designation from COM (Commercial) to RM (Residential Medium) for the property described in Part A below.
2. On October 21, 2004, the St. Lucie County Local Planning Agency held a public hearing on the petition, after publishing notice at least 10 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 hereafter described request for a change in Future Land Use Designation from COM (Commercial) to RM (Residential) for the property within 500 feet of the property described in Part A below.
3. On November 15, 2004, this Board held a public hearing on the petition, after publishing notice at least 10 days prior to the hearing and notifying by mail all owners of property within 500 feet of the property described in Part A below.
4. The proposed change in land use is consistent with the goals, objectives, and policies of the St. Lucie County Comprehensive Plan as described in Part B.
5. The proposed change in land use is consistent with the existing and proposed use of property in the surrounding area.

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

A. CHANGE IN FUTURE LAND USE DESIGNATION

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

LEGAL DESCRIPTION (PARCEL "A-2")

A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 7; THENCE NORTH 89° 42' 05" EAST ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 7, A DISTANCE OF 1998.58 FEET; THENCE SOUTH 00° 15' 12" WEST ALONG THE WEST LINE OF THE EAST HALF (E 1/2) OF THE EAST HALF (E 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SAID SECTION 7, A DISTANCE OF 406.65 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00° 15' 12" WEST ALONG SAID LINE, A DISTANCE OF 255.50 FEET; THENCE NORTH 89° 43' 35" EAST, A DISTANCE OF 610.47 FEET; THENCE NORTH 00° 17' 48" EAST ALONG THE WEST RIGHT-OF-WAY LINE OF NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT CANAL NO. 29, A DISTANCE OF 255.50 FEET; THENCE SOUTH 89° 43' 35" WEST, A DISTANCE OF 610.47 FEET TO THE AFORE-MENTIONED POINT OF BEGINNING.

CONTAINING 3.58 ACRES, MORE OR LESS.

is hereby changed from COM (Commercial) to RM (Residential Medium).

LEGAL DESCRIPTION - (PARCEL "B-2")

A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 7; THENCE SOUTH 89° 42' 05" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 7, A DISTANCE OF 2634.20 FEET; THENCE SOUTH 00° 17' 48" WEST ALONG A PORTION OF THE EAST RIGHT-OF-WAY LINE OF NORTH ST. LUCIE RIVER WATER CONTROL DISTRICT CANAL NO. 29, A DISTANCE OF 405.91 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00° 17' 48" WEST ALONG SAID LINE, A DISTANCE OF 256.55 FEET; THENCE NORTH 89° 42' 43" EAST, A DISTANCE OF 285.42 FEET; THENCE NORTH 00° 13' 49" EAST, A DISTANCE OF 256.55 FEET; THENCE SOUTH 89° 42' 43" WEST, A DISTANCE OF 285.12 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 1.68 ACRES, MORE OR LESS.

is hereby changed from COM (Commercial) to RM (Residential Medium).

LEGAL DESCRIPTION - (PARCEL "E-1")

A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 7, TOWNSHIP 35 SOUTH, RANGE 40 EAST, ST. LUCIE COUNTY, FLORIDA, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 7; THENCE SOUTH 89°42'05" WEST ALONG THE NORTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 7, A DISTANCE OF 1342.60 FEET; THENCE SOUTH 00°01'50" WEST, A DISTANCE OF 662.67 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°01'50" WEST, A DISTANCE OF 386.42 FEET; THENCE SOUTH 89°42'05" WEST, A DISTANCE OF 336.87 FEET; THENCE NORTH 00°05'49" EAST, A DISTANCE OF 386.49 FEET; THENCE NORTH 89°42'43" EAST ALONG THE SOUTH LINE OF THE NORTH HALF (N 1/2) OF THE NORTHWEST QUARTER (NW 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 7, A DISTANCE OF 336.42 FEET TO THE AFOREMENTIONED POINT OF BEGINNING.

CONTAINING 2.99 ACRES, MORE OR LESS.

is hereby changed from RM (Residential Medium) to COM (Commercial).

B. FINDING OF CONSISTENCY

This Board specifically determines that the approval of this change in the Future Land Use Element is internally consistent with the policies and objectives contained in the St. Lucie County Comprehensive Plan.

C. CHANGES TO THE FUTURE LAND USE MAPS

The St. Lucie County Community Development Director is hereby authorized and directed to cause these changes to be made in the Future Land Use maps of the Future Land Use Element of the St. Lucie County Comprehensive Plan and to make notation of reference to the date of adoption of this Ordinance.

D. CONFLICTING PROVISIONS

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

E. SEVERABILITY

If any portion of this Ordinance is for any reason held or declared to be unconstitutional,

inoperative or void, such holding shall not effect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstances, such holding shall not effect its applicability to any other person, property, or circumstances.

F. APPLICABILITY OF ORDINANCE

This ordinance shall be applicable as stated in Paragraph A.

G. FILING WITH THE DEPARTMENT OF STATE

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

H. FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS

The Community Development Director shall send a certified copy of this Ordinance to the Department of Community Affairs, 2555 S. Shumard Oak Blvd., Tallahassee, Florida 32399-2100.

I. EFFECTIVE DATE

This Ordinance shall take effect in accordance with Section 163.3187, Florida Statutes (2003).

J. ADOPTION

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

Chairman Paula A. Lewis	Aye
Vice-Chairman Doug Coward	Aye
Commissioner Frannie Hutchinson	Aye
Commissioner John Bruhn	Aye
Commissioner Cliff Barnes	Aye

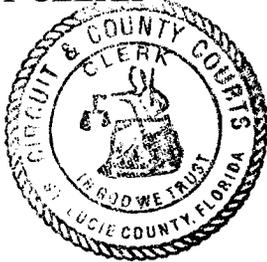
PASSED AND DULY ADOPTED this 15th day of November, 2004.

ATTEST:

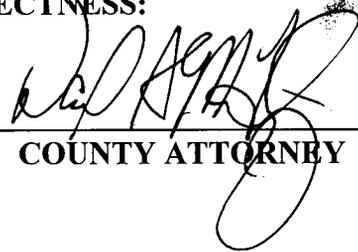
BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA


DEPUTY CLERK

BY: 
CHAIRMAN



APPROVED AS TO LEGAL FORM AND
CORRECTNESS:


COUNTY ATTORNEY