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ORDINANCE NO. 05-019

File Number PA-04-009

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. **St. Lucie County Board of County Commissioners and Barbara Guettler Debus**, presented a petition for a change in Future Land Use Designation from COM (Commercial), RU (Residential Urban) and R/C (Residential Conservation) to CPUB (Conservation-Public) and RS (Residential Suburban).
2. On December 9, 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 recommended that this Board approve the change in Future Land Use Designation from COM (Commercial), RU (Residential Urban) and R/C (Residential Conservation) to CPUB (Conservation-Public) and RS (Residential Suburban) for the property described in Part A below;
3. On December 21, 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 the owners of property within 500 feet of the subject property.
4. On December 21, 2004 this Board authorized the transmittal of a change in Future Land Use Designation from COM (Commercial), RU (Residential

June 7, 2005
Page 1

EDWIN M. FRY, Jr., CLERK OF THE CIRCUIT COURT
SAINT LUCIE COUNTY
FILE # 2646899 06/15/2005 at 03:48 PM
OR BOOK 2273 PAGE 2567 - 2572 Doc Type: ORDN
RECORDING: \$52.50

Ordinance 05-019
File No: PA-04-009

1 Urban) and R/C (Residential Conservation) to CPUB (Conservation-Public)
2 and RS (Residential Suburban) to the Florida Department of Community
3 Affairs for further agency review in accordance with the provisions of
4 Chapter 163, Florida Statutes;

- 5
6 5. On June 7, 2005, this Board held a public hearing on the petition, after
7 publishing a notice of such hearing in the Fort Pierce Tribune on May 28,
8 2005 and notifying by mail all owners of property within 500 feet of the
9 subject property.

10
11 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St.
12 Lucie County, Florida:

13
14 **A. CHANGE IN FUTURE LAND USE DESIGNATION**

15
16 The future land use designation set forth in the St. Lucie County Comprehensive Plan for the
17 property described as follows:

18
19 From the Northwest corner of the Northeast ~ of Section 17, Township 34 South, Range 40
20 East, run South 01'42'12" East along the 1,4 Section 17, Township 34 South, Range 40 East,
21 a distance of 672.8 feet to the Point of Beginning; thence, run South 24'16'34" East a distance
22 of 539.91 feet; thence, run North 89'38'04" West a distance of 242.46 feet to the Easterly
23 right-of-way for U.S. Highway 1; thence, run North 24'16'34" West along said right-of-way a
24 distance of 539.15 feet; thence, run South 89'42'56" East a distance of 242.3 feet to the Point
25 of Beginning.

26
27 and

28
29 Beginning at the Northwest corner of the Northeast ~ of Section 17, Township 34 South,
30 Range 40 East, run South 01'42'12" East a distance of 672.8 feet; thence, run South 24'16'34"
31 East a distance of 222.4 feet; thence, run South 89'38'04" East a distance of 615.76 feet to the
32 West right-of-way line of Old Dixie Highway; thence, run North 18'35'24" West a distance of
33 673.20 feet; thence, run North 89'46'54" West a distance of 117.37 feet; thence, run North
34 12'27'17" West a distance of 245 feet to the North line of said Section 17; thence, run North
35 89'47'42" West a distance of 342 feet to the Point of Beginning.

36
37 and

38
39 All the certain parcel of real estate located in St. Lucie County, Florida, which is bound on
40 the South by the North line of the Indrio Road right-of-way; and the East by the meandering

1 West shore of the Indian River; on the North by the South line of the Wilcox Road right-of-
2 way; and on the West by the East line of the Florida East Coast Railroad right-of-way.
3

4 Also known as parcel in Sections 16 and 17, Township 34 South, Range 40 East, St. Lucie
5 County, Florida, being described as follows:
6

7 From the Northwest corner of the Northeast ¼ of Section 17, Township 34 South, Range
8 40 East, run East along the Section line 609.75 feet to the East right-of-way of the Florida
9 East Coast Railroad for the Point of Beginning; thence continue East 2480 feet more or
10 less to the Indian River; thence run Southeasterly along the Indian River 1730 feet more
11 or less to the North right-of-way of Michigan Street; then run Southwesterly along said
12 right-of-way line 2192 feet to the East right-of-way line of the Florida East Coast
13 Railroad; thence run Northwesterly along said right-of-way line 2570.53 feet to the Point
14 of Beginning, less and excepting the North 50 feet.
15

16 owned by St. Lucie County Board of County Commissioners, is hereby changed from COM
17 (Commercial), RU (Residential Urban) and R/C (Residential Conservation) to CPUB
18 (Conservation-Public).
19

20 And
21

22 17 34 40 THAT PART OF NW 1/4 OF NE 1/4 LYG W OF OLD DIXIE HWY MPDAF:
23 FROM NW COR OF NE 1/4 RUN S 1 DEG 42 MIN 12 SEC E 672.8 FT, TH S 24 DEG 16
24 MIN 34 SEC E 222.4 FT FOR POB, TH CONT S 24 DEG 16 MIN 34 SEC E 317.51 FT,
25 THELY TO PT ON W LI OF OLD DIXIE HWY 200 FT NWLY OF S LI OF NW 1/4 OF
26 NE 1/4, TH NLY ON R/W 291.8 FT M/L TO SE COR OF CITRUSRIVER COLONY
27 PROP, TH N 89 DEG 38MIN 04 SEC W 615.76 FT TO POB (3.95 AC) (OR 1472-573)
28

29 owned by Debra Guttler Debus, is hereby changed from COM (Commercial) to RS
30 (Residential Suburban).
31

32 Location: On the south side of Wilcox Road, extending from US Highway 1 to the Indian
33 River Lagoon.
34

35
36 **B. FINDING OF CONSISTENCY**
37

38 This Board specifically determines that the approval of this change in the Future Land Use
39 Element is internally consistent with the policies and objectives contained in the St. Lucie
40 County Comprehensive Plan, specifically Policies 11.1.3.6 and 11.1.3.7 of the Capital

1 Improvements Element, which identify this approval as a Preliminary Development Order
2 and provide for the recognition that impacts of this approval on the public facilities of St.
3 Lucie County will not occur until such time as a Final Development Order is issued.
4

5
6 **C. CHANGES TO THE FUTURE LAND USE MAPS**
7

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

13
14 **D. CONFLICTING PROVISIONS**
15

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

20
21 **E. SEVERABILITY**
22

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

29
30 **F. APPLICABILITY OF ORDINANCE**
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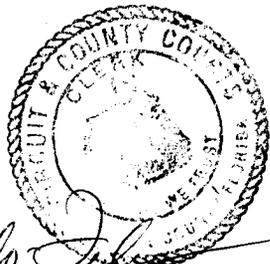
32 This ordinance shall be applicable as stated in Paragraph A.
33

34
35 **G. FILING WITH THE DEPARTMENT OF STATE**
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37 The Clerk is hereby directed forthwith to send a certified copy of this Ordinance to the
38 Bureau of Laws, Department of State, The Capitol, Tallahassee, Florida, 32304.
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ATTEST:



[Handwritten Signature]
DEPUTY CLERK

APPROVED AS TO FORM AND
CORRECTNESS:

[Handwritten Signature]
Asst COUNTY ATTORNEY