

ORDINANCE 05-044

FILE NO.: PA-05-007

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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. IP Acquisition Corporation 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 November 17, 2005, 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 Medium) for the property described in Part A below.
3. On December 20, 2005, 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.

1 5. The proposed change in land use is consistent with the existing and proposed use of
2 property in the surrounding area.
3

4 **NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of St. Lucie
5 County, Florida:
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7 **A. CHANGE IN FUTURE LAND USE DESIGNATION**
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9 The future land use designation set forth in the St. Lucie County Comprehensive
10 Plan for the property described as follows:
11

12 A portion of the Southwest Quarter (S.W. 1/4) of the Northeast Quarter (N.E. 1/4) of
13 Section 7, Township 35 South, Range 40 East, St. Lucie County, Florida, being more
14 particularly described as follows:
15

16 COMMENCE at the Southeast corner of the Southwest Quarter (S.W. 1/4) of the
17 Northeast Quarter (N.E. 1/4) of said Section 7; Thence North 00°00'56" East along
18 the East line of the Southwest Quarter (S.W. 1/4) of the Northeast Quarter (N.E. 1/4)
19 of said Section 7, for 40.00 feet; Thence South 89°42'09" West along a line 40 feet
20 North from and parallel with, as measured at right angles to the South line of the
21 Southwest Quarter (S.W. 1/4) of the Northeast Quarter (N.E. 1/4) of said Section 7,
22 for 223.15 feet to the POINT OF BEGINNING; Thence continue South 89°42'09"
23 West along said parallel line, for 568.11 feet; Thence North 00°00'56" East, along a
24 line 791.25 feet West from and parallel with, as measured at right angles to, the East
25 line of the Southwest Quarter (S.W. 1/4) of the Northeast Quarter (N.E. 1/4) of said
26 Section 7, for 600.01 feet; Thence North 89°42'09" East along a line 640 feet North
27 from and parallel with the South line of the Southwest Quarter (S.W. 1/4) of the
28 Northeast Quarter (N.E. 1/4) of said Section 7, for 436.86 feet to a point at the
29 beginning of a non-tangent curve concave to the East, said curve having a radius of
30 477.11 feet, a central angle of 11°47'43" and from said point a radial line bears
31 South 73°25'49" East; Thence Southerly along said curve, for 98.22 feet to a point of
32 tangency; Thence South 04°46'28" West, for 18.58 feet to a point of curvature with a
33 curve concave to the East, said curve having a radius of 280.00 feet and a central
34 angle of 39°48'56"; Thence Southerly along said curve, for 194.58 feet to a point of
35 tangency; Thence South 35°02'28" East, for 109.91 feet to a point of curvature with a
36 curve concave to the Southwest, said curve having a radius of 206.46 feet and a
37 central angle of 34°44'37"; Thence Southeasterly along said curve, for 125.20 feet to
38 a point of tangency; Thence South 00°17'51" East, for 92.93 feet to the POINT OF
39 BEGINNING.
40

41 Subject to existing easements, rights-of-way, covenants, reservations and restrictions
42 of record, if any.
43

44 Said lands lying and situate in St. Lucie County, Florida.
45

1 Said lands contain 291,262 square feet or 6.686 acres, more or less.
2

3 Location: North side of Orange Avenue, approximately 1600 feet west of Hartman
4 Road (North 41st Street)
5

6 is hereby changed from COM (Commercial) to RM (Residential Medium).
7

8 **B. FINDING OF CONSISTENCY**
9

10 This Board specifically determines that the approval of this change in the Future
11 Land Use Element is internally consistent with the policies and objectives contained
12 in the St. Lucie County Comprehensive Plan.
13

14 **C. CHANGES TO THE FUTURE LAND USE MAPS**
15

16 The St. Lucie County Growth Management Director is hereby authorized and
17 directed to cause these changes to be made in the Future Land Use maps of the
18 Future Land Use Element of the St. Lucie County Comprehensive Plan and to make
19 notation of reference to the date of adoption of this Ordinance.
20

21 **D. CONFLICTING PROVISIONS**
22

23 Special acts of the Florida Legislature applicable only to unincorporated areas of St.
24 Lucie County, County Ordinances, and County Resolutions, or parts thereof, in
25 conflict with this Ordinance are hereby superseded by this Ordinance to the extent of
26 such conflict.
27

28 **E. SEVERABILITY**
29

30 If any portion of this Ordinance is for any reason held or declared to be
31 unconstitutional, inoperative or void, such holding shall not effect the remaining
32 portions of this Ordinance. If this Ordinance or any provision thereof shall be held to
33 be inapplicable to any person, property, or circumstances, such holding shall not
34 effect its applicability to any other person, property, or circumstances.
35

36 **F. APPLICABILITY OF ORDINANCE**
37

38 This ordinance shall be applicable as stated in Paragraph A.
39

40 **G. FILING WITH THE DEPARTMENT OF STATE**
41

42 The Clerk be and hereby is directed forthwith to send a certified copy of this
43 Ordinance to the Bureau of Laws, Department of State, The Capitol, Tallahassee,
44 Florida, 32304.
45

1 H. **FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS**

2
3 The Community Development Director shall send a certified copy of this Ordinance
4 to the Department of Community Affairs, 2555 S. Shumard Oak Blvd., Tallahassee,
5 Florida, 32399-2100.
6

7 I. **EFFECTIVE DATE**

8
9 This Ordinance shall take effect thirty-one (31) days after adoption. If the Ordinance
10 is challenged within thirty (30) days after adoption, the Ordinance shall not be
11 effective until the State Land Planning Agency or Administration Commission
12 respectively issues a final order finding the adopted amendment in compliance in
13 accordance with Section 163.3184(10).
14

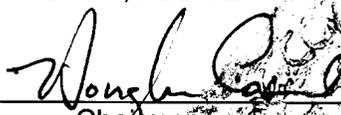
15 J. **ADOPTION**

16
17 After motion and second, the vote on this ordinance was as follows:

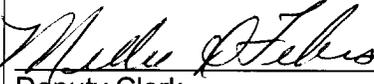
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|----|---------------------------------|-----|
| 18 | Chairman Douglas Coward | AYE |
| 19 | | |
| 20 | Vice-Chairman Chris Craft | AYE |
| 21 | | |
| 22 | Commissioner Frannie Hutchinson | AYE |
| 23 | | |
| 24 | Commissioner Paula Lewis | AYE |
| 25 | | |
| 26 | Commissioner Joe Smith | AYE |
| 27 | | |
| 28 | | |

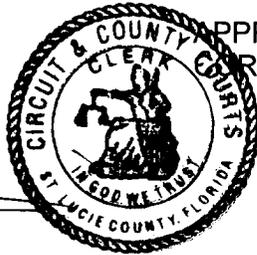
29 **PASSED AND DULY ADOPTED** This 20th day of December 2005.

30
31 BOARD OF COUNTY COMMISSIONERS
32 ST. LUCIE COUNTY, FLORIDA

33
34
35 BY 
36 Chairman

37
38
39 ATTEST:

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44 Deputy Clerk

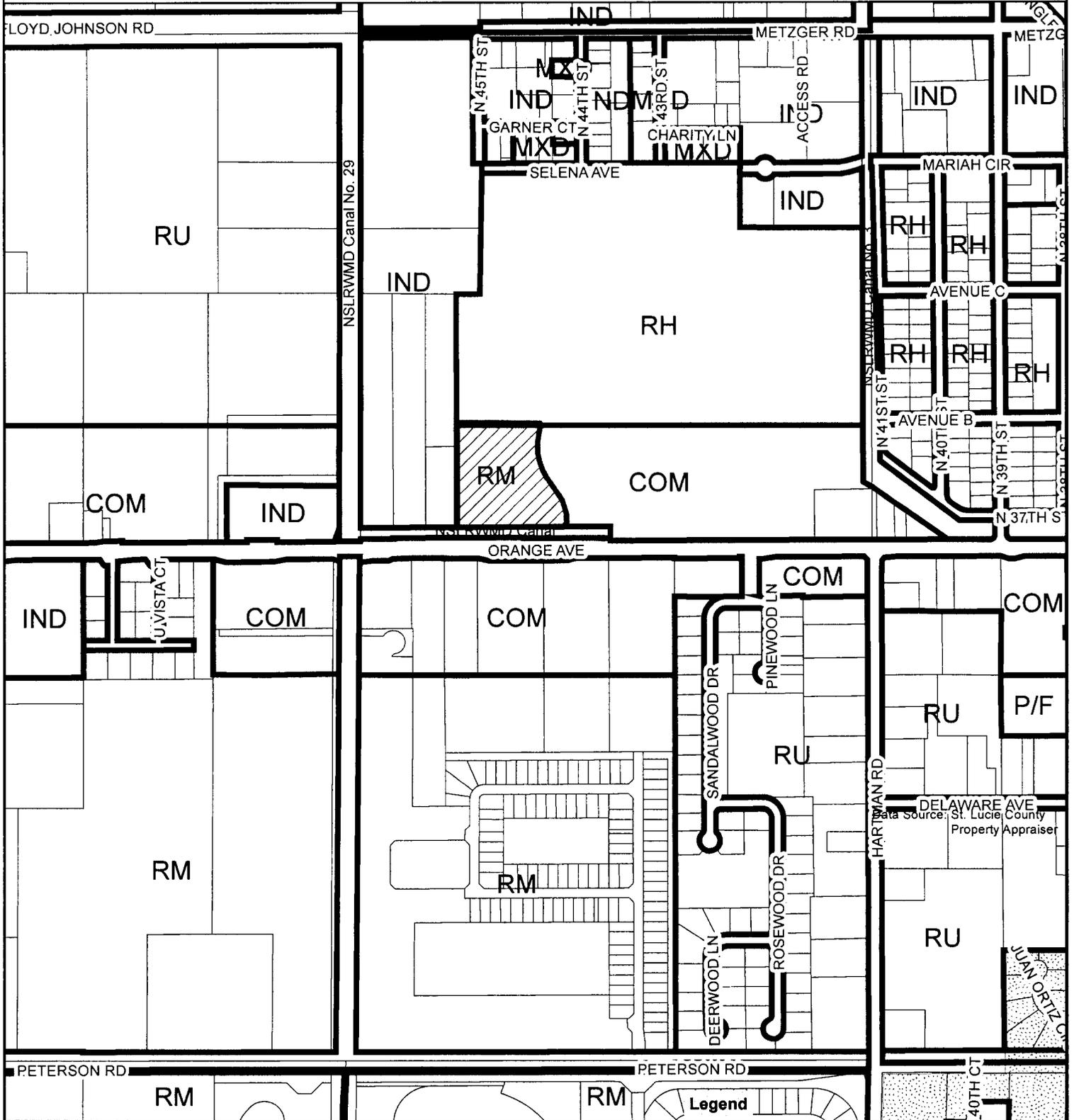


40 APPROVED AS TO FORM AND
41 CORRECTNESS:

42
43
44 
45 County Attorney

Land Use

IP Acquisition Corporation Change in Future Land Use Designation from COM (Commercial) to RM (Residential Medium)



PA 05-007



Subject property

St. Lucie County
Growth Management Department

Map prepared December 21, 2005

