

Copy to: ERIC
MTB
Fin.
ALG
File

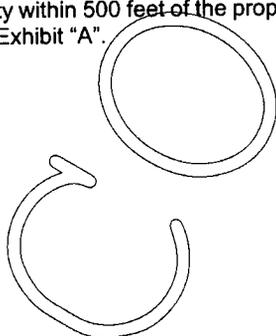
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

ORDINANCE NO. 07-003
FILE NO.: PA-06-002

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. Robert P. Rigel presented a petition for a change in Future Land Use Designation from COM (Commercial) to RU (Residential Urban - 5 units per acre maximum) for the property described in Part A below and depicted on Exhibit "A".
2. On January 18, 2007, 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 hereafter described request for a change in Future Land Use Designation from COM (Commercial) to RU (Residential Urban - 5 units per acre maximum) for the property described in Part A below and depicted on Exhibit "A".
3. On February 20, 2007, 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 and depicted on Exhibit "A".



- 1 4. The proposed change in land use is consistent with the goals, objectives,
2 and policies of the St. Lucie County Comprehensive Plan as described in
3 Part B.
- 4
- 5 5. The proposed change in land use is consistent with the existing and
6 proposed use of property in the surrounding area.
- 7
- 8 6. A Concurrency Deferral Affidavit, a copy which is attached to this Ordinance
9 as Exhibit "B", was signed by the applicant on August 21, 2006.

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**

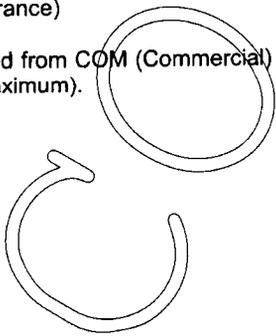
15
16 The future land use designation set forth in the St. Lucie County
17 Comprehensive Plan for the property described as follows:

18
19 **TAKE FOR THE POINT OF BEGINNING THE INTERSECTION OF THE**
20 **WESTERLY ROW LINE OF SR A-1-A AND THE NORTH LINE OF NETTLES**
21 **ISLAND AS RECORDED IN PLAT BOOK 16, PAGE 1, ST. LUCIE COUNTY**
22 **FLORIDA; THENCE RUN NORTH 22 DEGREES 58' 01" WEST ALONG THE**
23 **WESTERLY ROW LINE OF SR A-1-A, A DISTANCE OF 303.5 FEET; THENCE**
24 **RUN SOUTH 88 DEGREES 20' 29" WEST A DISTANCE OF 433.99 FEET,**
25 **THENCE RUN SOUTH 1 DEGREE 39' 31" EAST A DISTANCE OF 160.00 FEET;**
26 **THENCE RUN SOUTH 88 DEGREES 20' 29" WEST A DISTANCE OF 500.91**
27 **FEET; THENCE RUN SOUTH 1 DEGREE 39' 31" EAST A DISTANCE OF 200**
28 **FEET; THENCE RUN SOUTH 88 DEGREES 20' 29" WEST A DISTANCE OF 276**
29 **FEET TO A POINT LYING 200 FEET EAST OF THE SHORE OF THE INDIAN**
30 **RIVER LAGOON; THENCE RUN SOUTHEASTERLY 320 FEET (MOL) TO THE**
31 **NORTH LINE OF NETTLES ISLAND AS RECORDED IN PLAT BOOK 16, PAGE 1,**
32 **ST. LUCIE COUNTY, FLORIDA; THENCE RUN NORTH 72 DEGREES 40' 50"**
33 **EAST ALONG THE NORTH LINE OF NETTLES ISLAND AS RECORDED IN PLAT**
34 **BOOK 16, PAGE 1, ST. LUCIE COUNTY, FLORIDA, A DISTANCE OF 1,134.00**
35 **FEET (MOL) TO THE POINT OF BEGINNING.**

36
37 Parcel ID No.: 4502-231-0002-0007 and 4502-241-0005-0009

38
39 (Location: West side of South A-1-A, on the north side of Nettles Island
40 Entrance)

41
42 is hereby changed from COM (Commercial) to RU (Residential Urban – 5
43 units per acre maximum).



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

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 Growth Management 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

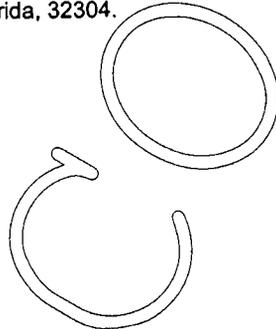
If any portion of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding shall not effect the remaining portions of this Ordinance. If this Ordinance or any provision thereof shall be held to be inapplicable to any person, property, or circumstances, 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.



[Handwritten signature]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

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

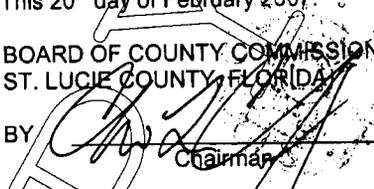
J. **ADOPTION**

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

| | |
|-----------------------------|-----|
| Chairman Chris Craft | AYE |
| Vice-Chairman Joe Smith | AYE |
| Commissioner Douglas Coward | AYE |
| Commissioner Paula Lewis | AYE |
| Commissioner Charles Grande | AYE |

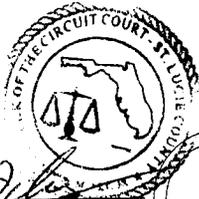
PASSED AND DULY ADOPTED This 20th day of February 2007.

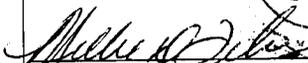
BOARD OF COUNTY COMMISSIONERS
ST. LUCIE COUNTY, FLORIDA

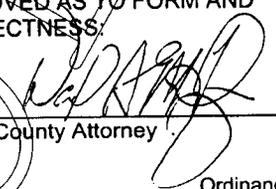
BY 
Chairman

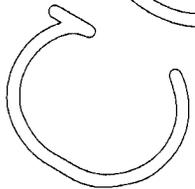
APPROVED AS TO FORM AND
CORRECTNESS

ATTEST:




Deputy Clerk

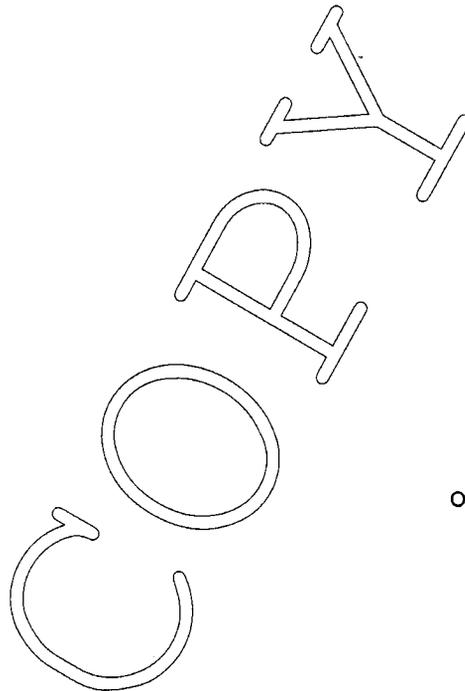

County Attorney

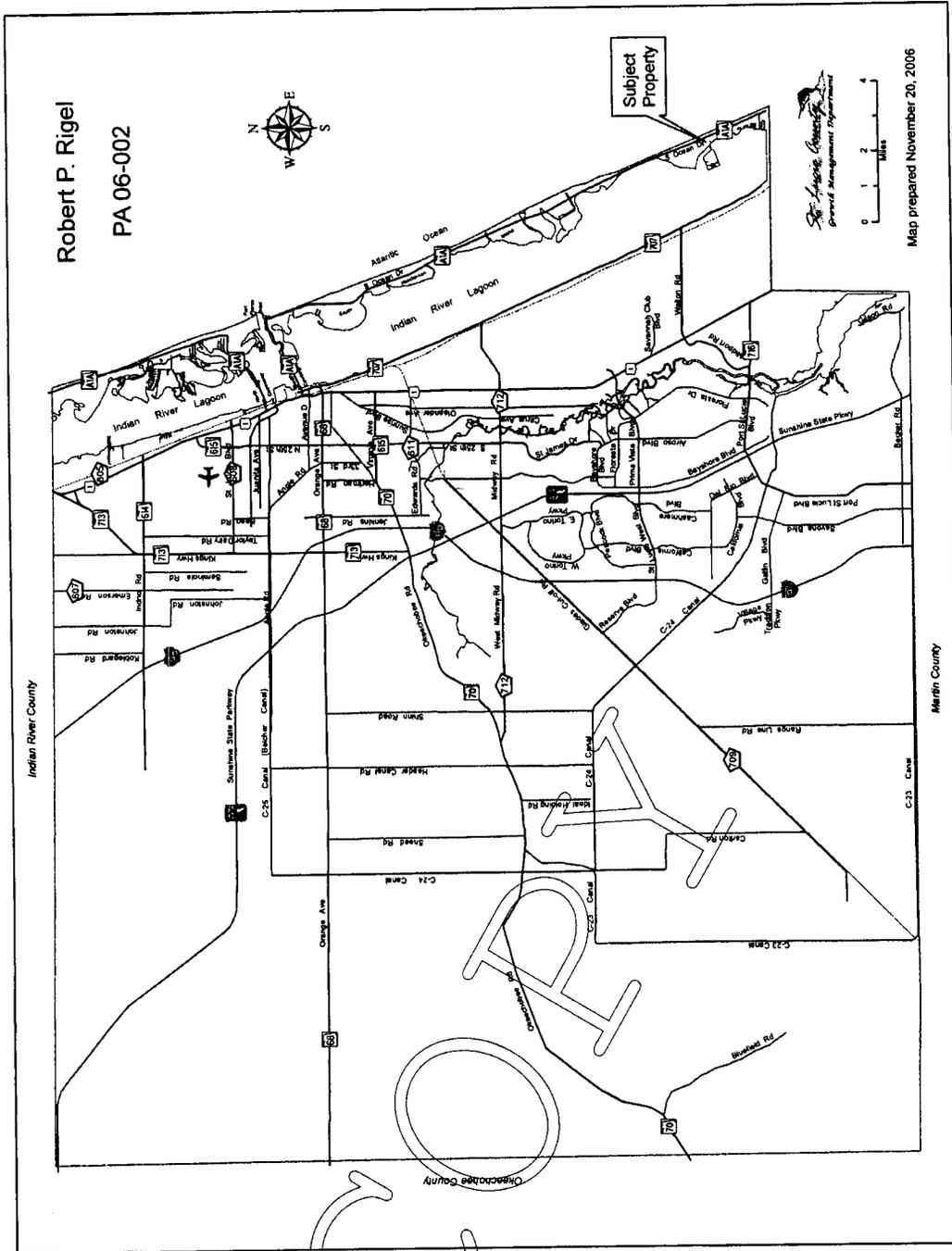


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

EXHIBIT A

- Vicinity Maps
- Site Location Map





Robert P. Rigel

PA 06-002

Subject Property

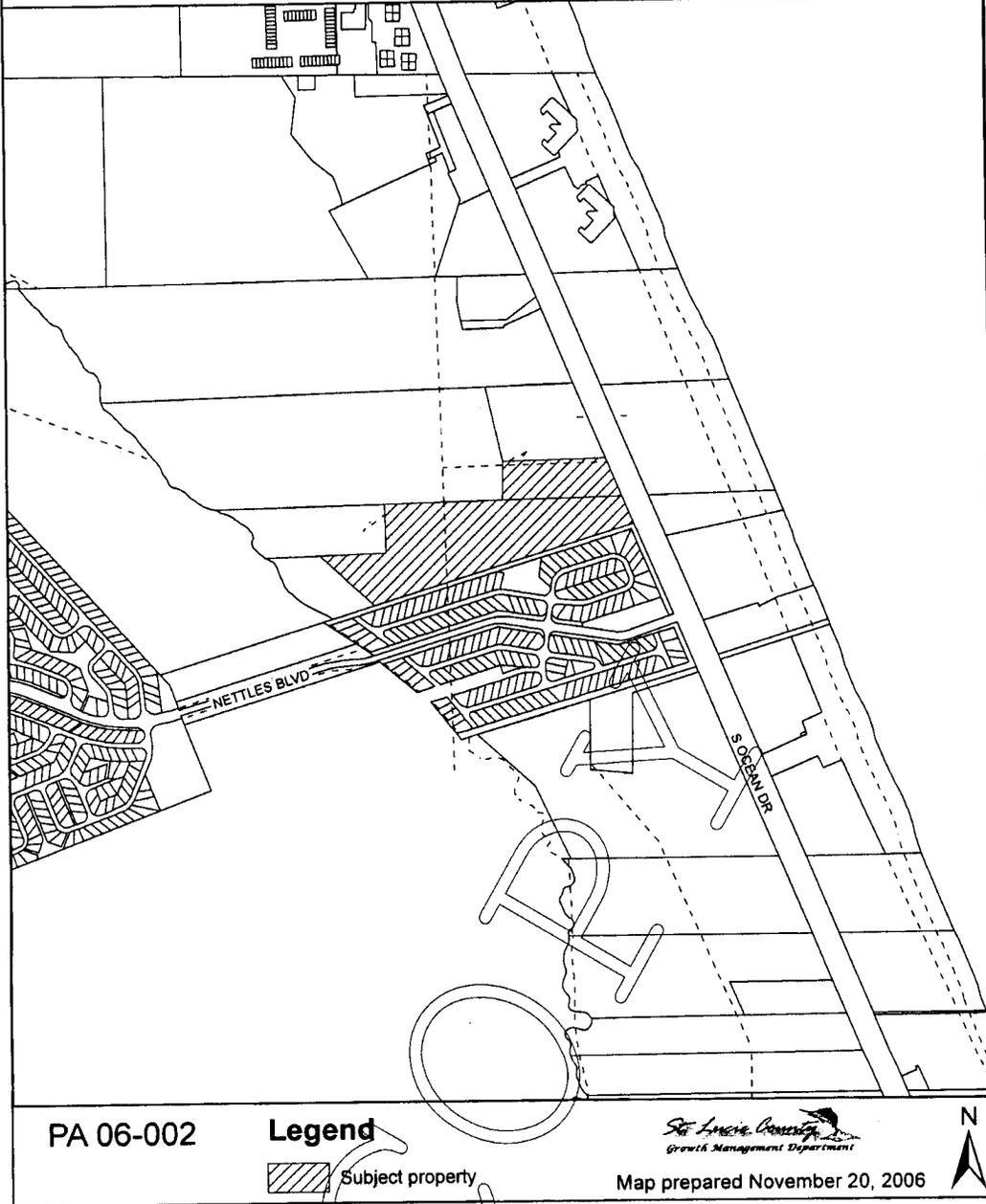
Map prepared November 20, 2006

Indian River County

Martin County

Okeechobee County

A petition of Robert P. Rigel for a Change in Future Land Use Designation from COM (Commercial) to RU (Residential Urban)



PA 06-002

Legend

 Subject property

St. Lucie County
Growth Management Department

Map prepared November 20, 2006



Robert P. Rigel



PA 06-002

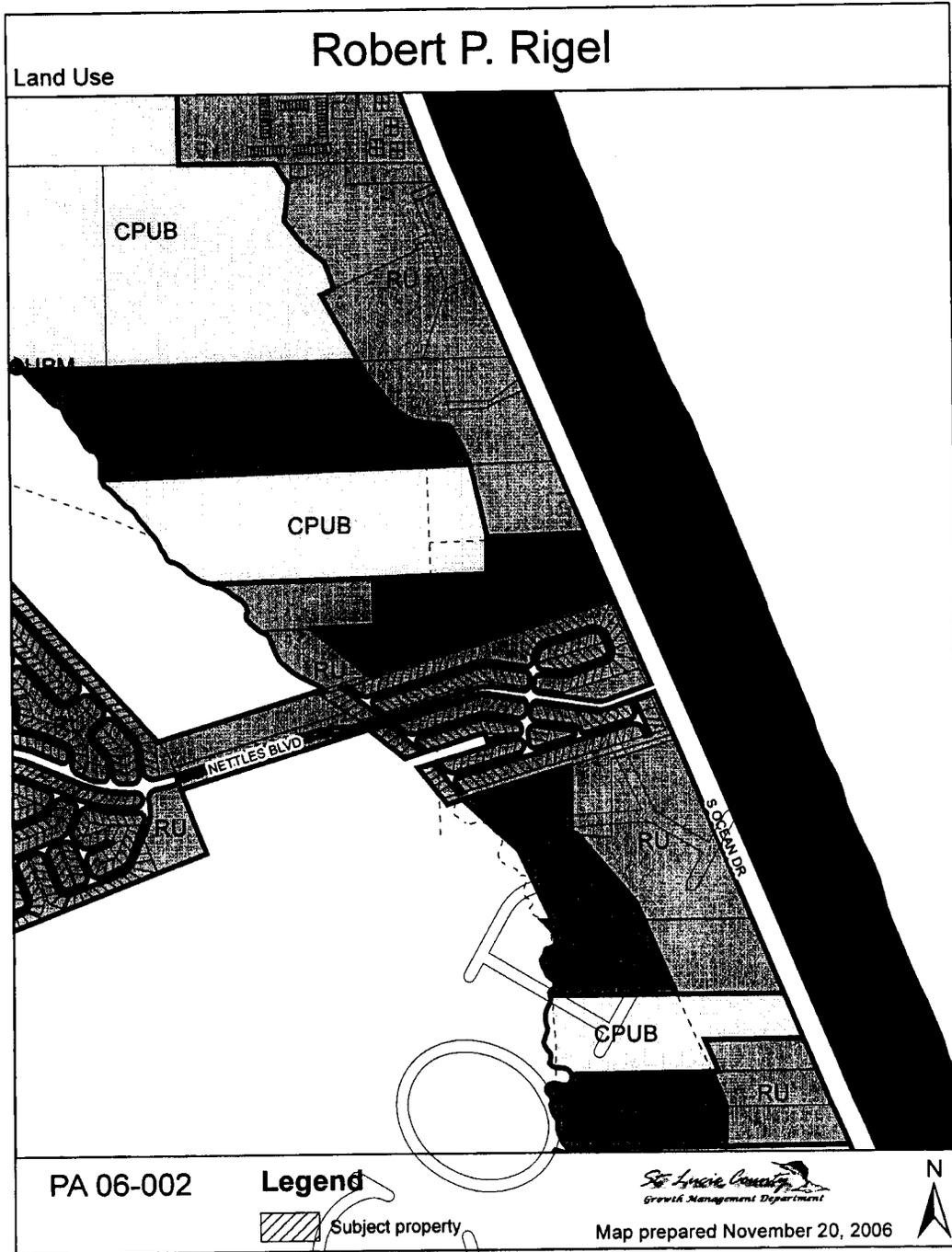
Legend

 Subject property

St. Lucie County
Growth Management Department

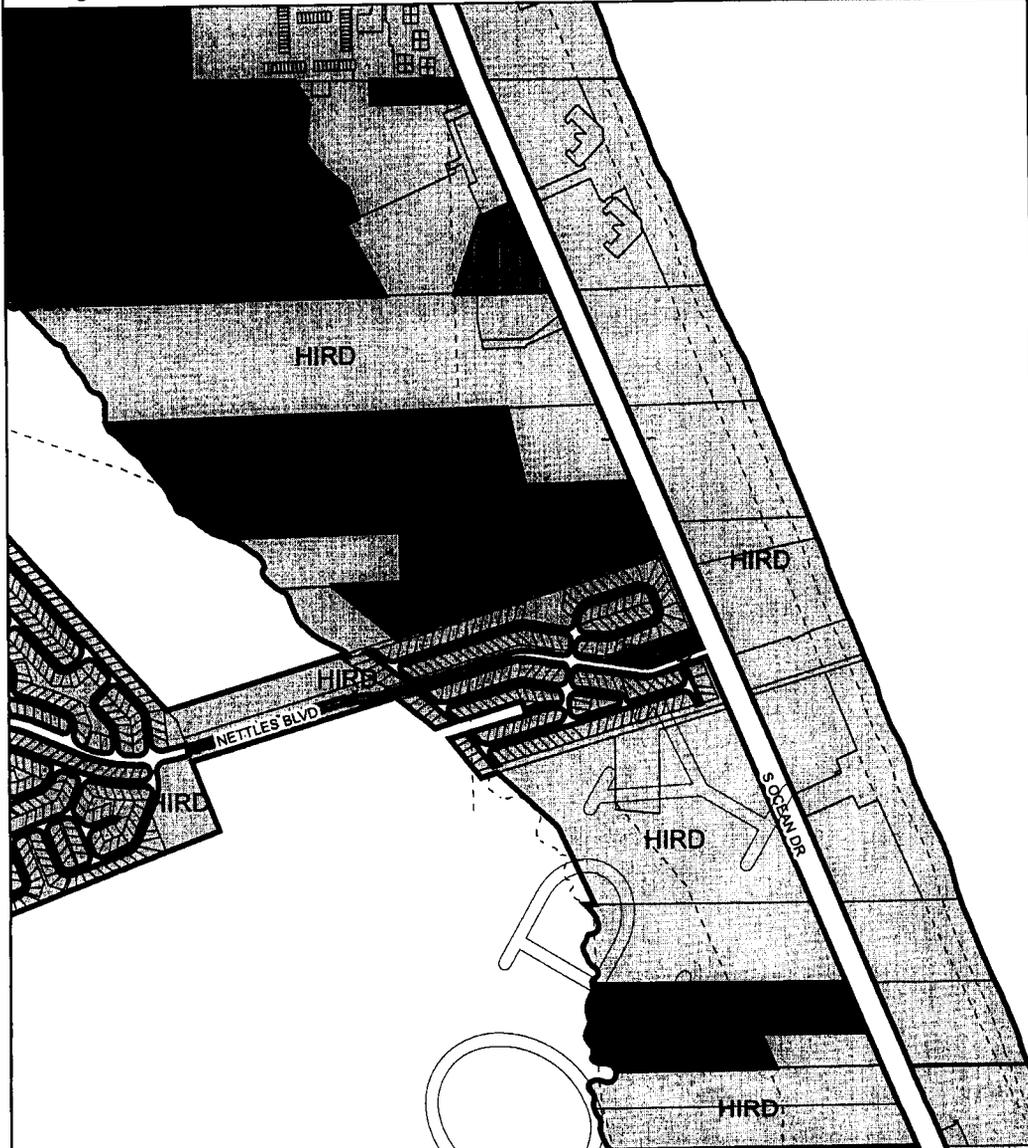
Map prepared November 20, 2006





Robert P. Rigel

Zoning



PA 06-002

Legend

 Subject property

San Luis Obispo County
Growth Management Department

Map prepared November 20, 2006



1
2
3
4
5
6
7

EXHIBIT B

Concurrency Deferral Affidavit

COOPY



St. Lucie County
Concurrency Deferral Affidavit

Fee: See Application Form

I, ROBERT P. RIGEL, residing or doing business at 9751 S. OCEAN DR.
Name Street
JENSEN BEACH, FL. 34957, 772-229-2422
City State Zip Phone

have applied for a FUTURE LAND USE AMENDMENT from St. Lucie County, Florida,
Type of Development Order

for the following project: UNKNOWN (we own 55 Sewer taps + 55 Water
Name of Proposed Development r.r. Taps

I do hereby affirm that in connection with my application for the above project, I have elected to defer the certificate of capacity and reservation of capacity in public facilities for the above property until a later time, but no later than the application for a final development order for the same property.

I understand and acknowledge that the above listed property will be subject to the certificate of capacity before any final development order can be issued, and that St. Lucie County can make no guarantee that adequate public facilities will be available when I apply for the final development order.

I further acknowledge that according to Section 5.01.01 of the St. Lucie County Land Development Code, no final development approval can be granted until capacity in those facilities is available at that time. The issuance of a preliminary development order without a certificate of capacity creates no vested or other rights to develop the subject property.

Signed: [Signature]
Applicant

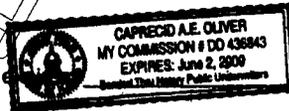
Date: 4-25-06

State of Florida, County of St. Lucie

Before me, the undersigned authority personally appeared Robert P. Rigel
who upon being duly sworn, deposes and says sworn to and subscribed before me this day of
25 April, 2006

[Signature]
Notary Public

My Commission expires



Witness

Witness