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ORDINANCE NO. 07-025
FILE NO. PA 06-006

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AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF ST. LUCIE COUNTY, FLORIDA, AMENDING THE ADOPTED COMPREHENSIVE PLAN FUTURE LAND USE MAP AND FUTURE LAND USE ELEMENT TEXT FOR A 91 ACRE (M.O.L) PARCEL OF LAND FROM RESIDENTIAL URBAN (RU) 5 DWELLING UNITS PER ACRE, TO MIXED USE (MXD) LOW INTENSITY ON THE NORTH 34.25 ACRES AND MIXED USE (MXD) MEDIUM INTENSITY ON THE SOUTH 54.74 ACRES; AND AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT TO PROVIDE FOR SPECIAL DISTRICT POLICIES APPLICABLE TO THE NEW MXD, AND ADDING THE MAP OF THE NEW MXD TO THE MAPS IN FIGURE 1-7; PROVIDING FINDINGS; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR APPLICABILITY; PROVIDING FOR FILING WITH THE FLORIDA DEPARTMENT OF STATE; PROVIDING FOR FILING WITH THE FLORIDA 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. Steve Ball, Land Planning Systems, Inc. presented a petition for a change in the adopted Comprehensive Plan Future Land Use Element text to create a new figure 1-7n Loop Road MXD Mixed Use District including MXD Low Intensity on the north 34.25 acres and MXD Medium Intensity on the south 54.74 acres on a 91 acre (m.o.l.) parcel of land located north of St. Lucie Tire and Battery and Orange Avenue, and west of Jenkins Road, south of the canal; amending the text of the Future Land Use Element provide for MXD Special District Policies as follows:
2. On May 16, 2007, the St. Lucie County Local Planning Agency held a public hearing on the petition, after publishing notice in the Fort Pierce Tribune and Port St. Lucie News at least 10 days prior to the hearing, and has recommended that this Board transmit to the Florida Department of Community Affairs the change in Future Land Use Designation as modified from RU, Residential Urban, to MXD Loop Road, for the 91 acre (m.o.l.) property described in Exhibit "A", and has recommended changing the text as requested in the proposed amendments; and

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3. On August 21, 2007, this Board held a public hearing for transmittal of the Comprehensive Plan Amendment to the Department of Community Affairs, after publishing a notice in the Fort Pierce Tribune and Port St. Lucie News at least 10 days prior to the hearing; and
4. On August 21, 2007, 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 November 5, 2007, the Department of Community Affairs advised this Board to include data and analysis to explain how traffic impacts on Orange Avenue, Kings Highway, I-95 and Jenkins Road will be mitigated in order to achieve and maintain the adopted level of service standard on these roads; and
6. On December 18, 2007, this Board held a public hearing on the adoption, after publishing a notice in the Fort Pierce Tribune and Port St. Lucie News of such hearing; and
7. On December 18, 2007, this Board addressed the Department of Community Affairs Objections, Recommendations, and Comments (ORC) Report by referencing Chapter Five, Adequate Public Facilities Ordinance of the St. Lucie County Land Development Code, which requires the developer to mitigate all impacts on state and local transportation facilities through Development Agreements approved by the Board of County Commissioners. The future land use map amendment does not address concurrency and does not reserve capacity for any public facilities. The Five-Year Work Programs change each year and do not necessarily guarantee the availability of capacity for future development. The developer must work with the County and FDOT to identify the appropriate mitigation strategy for any development activity impacting the local and state transportation network.

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

3
4 **A. CHANGE IN FUTURE LAND USE DESIGNATION**

5
6 The Future Land Use Designation set forth in the St. Lucie County Comprehensive
7 Plan for the property described in Exhibit "A", attached hereto:

8
9 Containing 91 acres more or less.

10
11 Location: 91 acres (m.o.l.) north of St. Lucie Tire and Battery and Orange
12 Avenue, and west of Jenkins Road, south of the canal.

13
14 Owned by Sanford G. Gibson, Joseph G. Miller, and Jim Turner., is hereby changed
15 from RU, Residential Urban to MXD-LOOP ROAD, as depicted in attached Exhibit
16 "B".

17
18 **B. AUTHORIZING TEXT AMENDMENTS TO THE FUTURE LAND USE ELEMENT**
19 **OF THE ST. LUCIE COUNTY COMPREHENSIVE PLAN TO INCORPORATE**
20 **SPECIAL DISTRICT POLICIES FOR THE LOOP ROAD MXD, FIGURE 1-7n, AS**
21 **FOLLOWS:**

22
23 The Sub-Area Policies as listed below shall be depicted on Exhibit "C" and shall be
24 incorporated into the Future Land Use Element Figure 1-7n and shall govern
25 residential and commercial development of the Loop Road Mixed Use Area:

- 26
27 1. The MXD Low Intensity district will include 50% commercial at the north-east
28 corner with a combination of 25% Office and 25% Institutional on the
29 remainder of the MXD Low Intensity district, which shall include a vegetated
30 buffer zone to properly buffer the adjacent residences from future
31 development; and
32
33 2. The MXD Medium Intensity district will be Light Industrial/Warehouse land
34 uses, including flex space buildings.
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1 **C. AMENDING POLICY 1.1.7.3 OF THE ST. LUCIE COUNTY COMPREHENSIVE**
2 **PLAN TO ADD FIGURE 1-7n**

3
4 Policy 1.1.7.3 of the St. Lucie County Future Land Use Element shall be amended
5 as follows:

6
7 "Continue to support the mixed use activity areas as indicated in the following
8 Sub-area Mixed Use Activity Area Plans as depicted in Figure 1-7a thru 1-7n."
9 Figure 1-7n, Mixed Use Loop Road Area is authorized to be added to the figures
10 following Future Land Use Element Policy 1.1.7.3 as shown in attached Exhibit
11 "B".

12
13 **D. FINDING OF CONSISTENCY**

14
15 This Board specifically determines that the approval of this change in the Future
16 Land Use Element, is internally consistent with the policies and objectives contained
17 in the St. Lucie County Comprehensive Plan, specifically Policies 11.1.3.6 and
18 11.1.3.7 of the Capital Improvement Element, which identify this approval as a
19 Preliminary Development Order and provide for the recognition that impacts of this
20 approval on the public facilities of St. Lucie County will not occur until such time as a
21 Final Development Order is issued.

22
23 **E. CHANGES TO THE FUTURE LAND USE MAPS**

24
25 The St. Lucie County Growth Management Director is hereby authorized and
26 directed to cause these changes to be made in the Future Land Use map of the
27 Future Land Use Element of the St. Lucie County Comprehensive Plan and to make
28 notation of reference to the date of adoption of this Ordinance.

29
30 **F. CONFLICTING PROVISIONS**

31
32 Special acts of the Florida Legislature applicable only to unincorporated areas of
33 St. Lucie County, County Ordinances and County Resolutions, or parts thereof, in
34 conflict with this Ordinance are hereby superseded by this Ordinance to the extent
35 of such conflict.

1 **G. SEVERABILITY**

2
3 If any portion of this Ordinance is for any reason held or declared to be
4 unconstitutional, inoperative or void, such holding shall not affect the remaining
5 portions of this Ordinance. If this Ordinance or any provision thereof shall be held
6 to be inapplicable to any person, property, or circumstances, such holding shall
7 not affect its applicability to any other person, property or circumstance.
8

9 **H. APPLICABILITY OF ORDINANCE**

10 This ordinance shall be applicable as stated in Paragraphs A, B and C.
11

12 **I. FILING WITH THE DEPARTMENT OF STATE**

13 The Clerk is hereby directed forthwith to send a certified copy of this Ordinance to
14 the Bureau of Laws, Department of State, The Capitol, Tallahassee, Florida,
15 32304.
16

17 **J. FILING WITH THE DEPARTMENT OF COMMUNITY AFFAIRS**

18 The Growth Management Director shall send a certified copy of this Ordinance to
19 the Department of Community Affairs, 2555 Shumard Oak Boulevard,
20 Tallahassee, Florida 32399-2100.
21

22 **K. EFFECTIVE DATE**

23 This Ordinance shall take effect upon the issuance by the State Land Planning
24 Agency of a Notice of Intent to find the adopted amendment in compliance in
25 accordance with Section 163.3184(9), or Section 125.66(4)(a), Florida Statutes, or
26 upon the Administration Commission issuing a final order finding the adopted
27 amendment in compliance in accordance with Section 163.3184(10).
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1 **L. ADOPTION**

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

4 Chairman Joseph E. Smith AYE
5
6 Vice-Chairman Paula A. Lewis AYE
7
8 Commissioner Doug Coward AYE
9
10 Commissioner Charles Grande AYE
11
12 Commissioner Chris Craft AYE
13
14

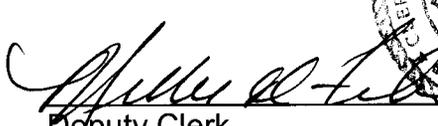
15
16 **PASSED AND DULY ADOPTED** This 18th Day of December, 2007.

17
18
19 BOARD OF COUNTY COMMISSIONERS
20 ST. LUCIE COUNTY, FLORIDA

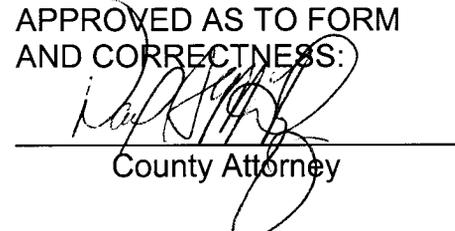
21
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23 BY


Chairman

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27 ATTEST:


Deputy Clerk

28 APPROVED AS TO FORM
29 AND CORRECTNESS:


County Attorney

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Exhibit A

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- Legal Description

Exhibit B

- Loop Road Mixed Use Development
Future Land Use Map

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Exhibit C

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- Figure 1-7n

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2312-121-0000-000-6

12 35 39 N 1/2 OF NW 1/4 OF NE 1/4-LESS CANAL R/W- (17.88 AC) (OR 957-1241 THRU 1253 AND 1273 THRU 1281: 1569-2998: 1585-2546)

2

2312-112-0000-000-8

12 35 39 N 3/4 OF W 1/2 OF E 1/2 OF NE 1/4-LESS E 266 FT OF S 338.23 FT- AND W 25 FT OF W 1/2 OF SW 1/4 OF SE 1/4 OF NE 1/4-LESS CANAL AND RD RS/W AND LESS I-95 R/W AS IN OR 242-1301 AND LESS THAT PART MPDAF: FROM SE COR OF NE 1/4 OF SEC RUN S 89 31 58 W 1328.28 FT, TH N 00 28 02 W 46.49 FT TO NLY R/W LI OF ORANGE AVE AND POB: TH N 00 04 07 W 663.06 FT TO CURVE CONCAVE SE, R OF 377.30 FT, TH NLY AND ELY ALG ARC 590.03 FT, TH N 89 31 58 E 294.34 FT, TH S 00 04 53 W 75.17 FT, TH N 86 05 54 W 2.15 FT, TH S 89 31 58 W 266 FT, TH S 338.23 FT, TH S 89 31 58 W 373.76 FT, TH S 00 04 07 E 624.56 FT TO NLY R/W LI OF ORANGE AVE, TH S 89 38 58 W ALG NLY R/W LI 25.14 FT TO POB- (24.139 AC) (OR 1662-1717)

3

2312-111-0001-000-2

12 35 39 NE 1/4 OF NE 1/4 OF NE 1/4-LESS CANAL AND RD RS/W AND LESS W 120 FT OF E 167 FT- (6.93 AC) (OR 572-513)

4

2312-123-0001-000-9

12 35 39 S 1/2 OF NW 1/4 OF NE 1/4-LESS W 47 FT FOR RD AND CANAL-AND E 295.17 FT OF W 342.17 FT OF N 295.17 FT OF SW 1/4 OF NE 1/4- LESS W 47 FT FOR RD AND CANAL- (21.82)

5

2312-114-0001-000-1

12 35 39 W 208.71 FT OF SE 1/4 OF NE 1/4 OF NE 1/4-LESS S 417.42 FT- AND N 30 FT OF SE 1/4 OF NE 1/4 OF NE 1/4-LESS W 208.71 FT AND LESS RD AND CANAL R/W-(1.41 AC) (OR 2262-1886)

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2312-114-0030-000-3

12 35 39 N 208.71 FT OF S 417.42FT OF W 208.71 FT OF SE 1/4 OF NE 1/4 OF NE 1/4 (1.00 AC) (OR 2250-29)

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2312-114-0000-000-4

12 35 39 FROM SW COR OF NE 1/4 OF SE 1/4 OF NE 1/4 OF SEC RUN N00 03 02 E 613.01 FT FOR POB, TH CONT N 00 03 02 E 269.45 FT, TH E208.71 FT, TH N 431.01 FT, TH E 290.04 FT, TH S 00 06 26 W 153.08FT, TH S 08 47 49 E 553.36 FT, TH N 85 11 17 W 584.22 FT TO POB (6.35 AC) (OR 2228-1296)

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2312-141-0001-000-5

12 35 39 FROM SW COR OF NE 1/4 OF SE 1/4 OF NE 1/4 OF SEC RUN N00 03 02 E 413.23 FT TO POB, TH CONT N 00 03 02 E 199.78 FT, TH N89 43 49 E 584.22 FT TO W R/W LIOF JENKINS RD, TH S 08 47 50 E ALG W R/W LI 53.98 FT, TH S 00 0824 W ALG W R/W LI 199.05 FT, TH N85 11 17 W 594.37 FT TO POB (3.07 AC) (OR 2228-1296)

9

2312-132-0002-000-4

12 35 39 FROM SW COR OF SW 1/4 OF NE 1/4 RUN E 47 FT, TH N 760 FT FOR POB, TH CONT N 295.17 FT, TH E 295.17 FT, TH S 295.17 FT, TH W 295.17 FT TO POB (2.00 AC) (OR 1582-1855: 2355-2491)

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2312-142-0003-000-2

12 35 39 FROM SE COR OF NE 1/4 OF SEC RUN S 89 31 58 W 1328.28 FT, TH N 00 28 02 W 46.49 FT TO NLY R/W LI OF ORANGE AVE, TH N 89 38 58 E ALG NLY R/W LI 25.14 FT, TH N 00 04 07 W 624.56 FT, TH N 89 31 58 E 49.87 FT TO POB: TH N 00 04 07 W 38.03 FT TO CURVE CONCAVE SE, R OF 302.30 FT, TH NELY ALG ARC 472.74 FT, TH N 89 31 58 E 25.48 FT, TH S 338.23 FT, TH S 89 31 58 W 323.89 FT TO POB (2.084 AC) (OR 1662-1717)

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2312-142-0001-000-8

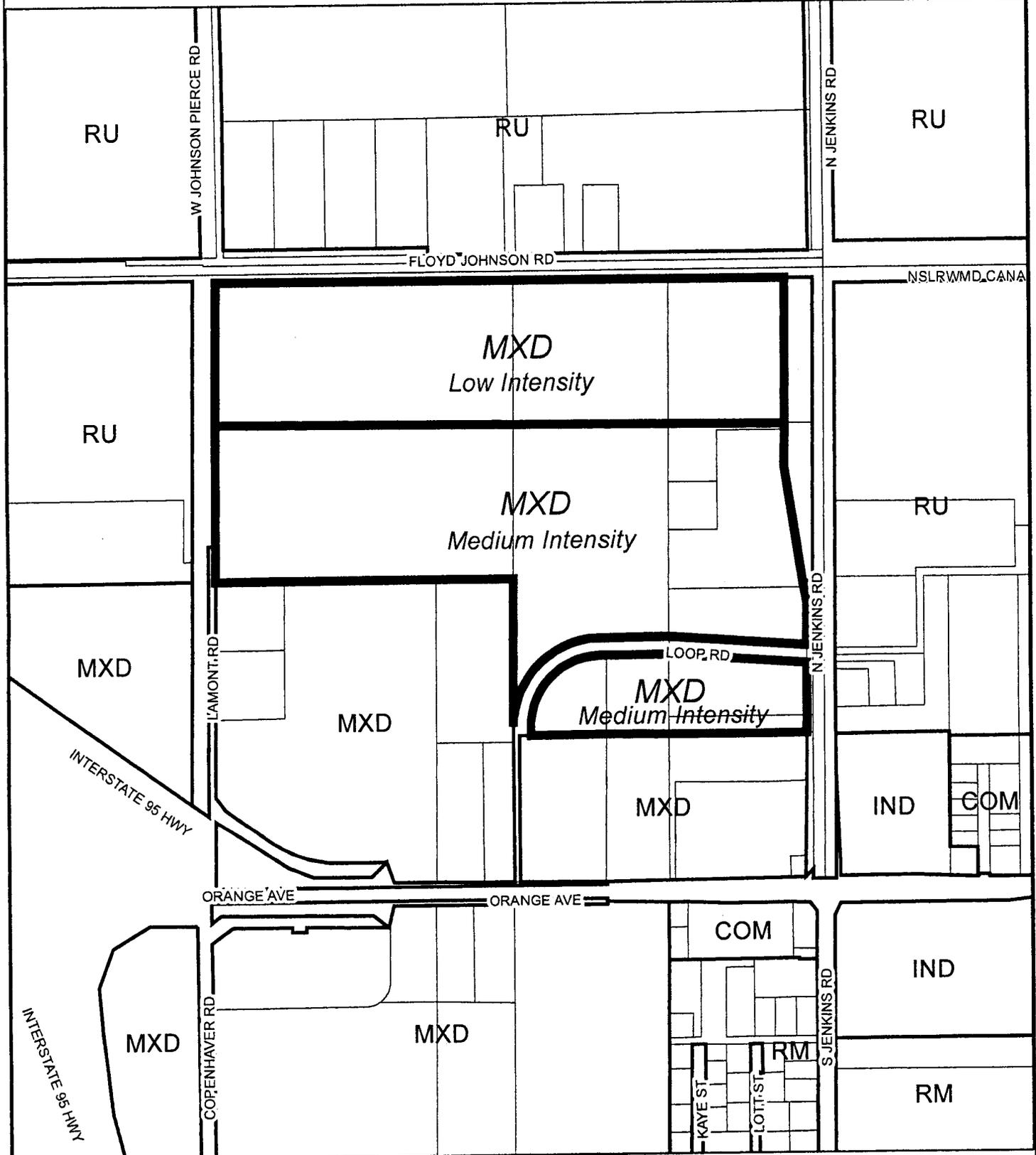
12 35 39 E 266 FT OF S 338.23 FTOF N 3/4 OF W 1/2 OF E 1/2 OF NE1/4 (2.07 AC) (OR 1097-2247)

12

2312-141-0003-000-9

12 35 39 S 75 FT OF NE 1/4 OF SE1/4 OF NE 1/4-LESS CANAL AND RD R/W- (1.02 AC) (OR 1097-2250)

Loop Road Mixed Use Activity Area



Loop Road Mixed Use Activity Area

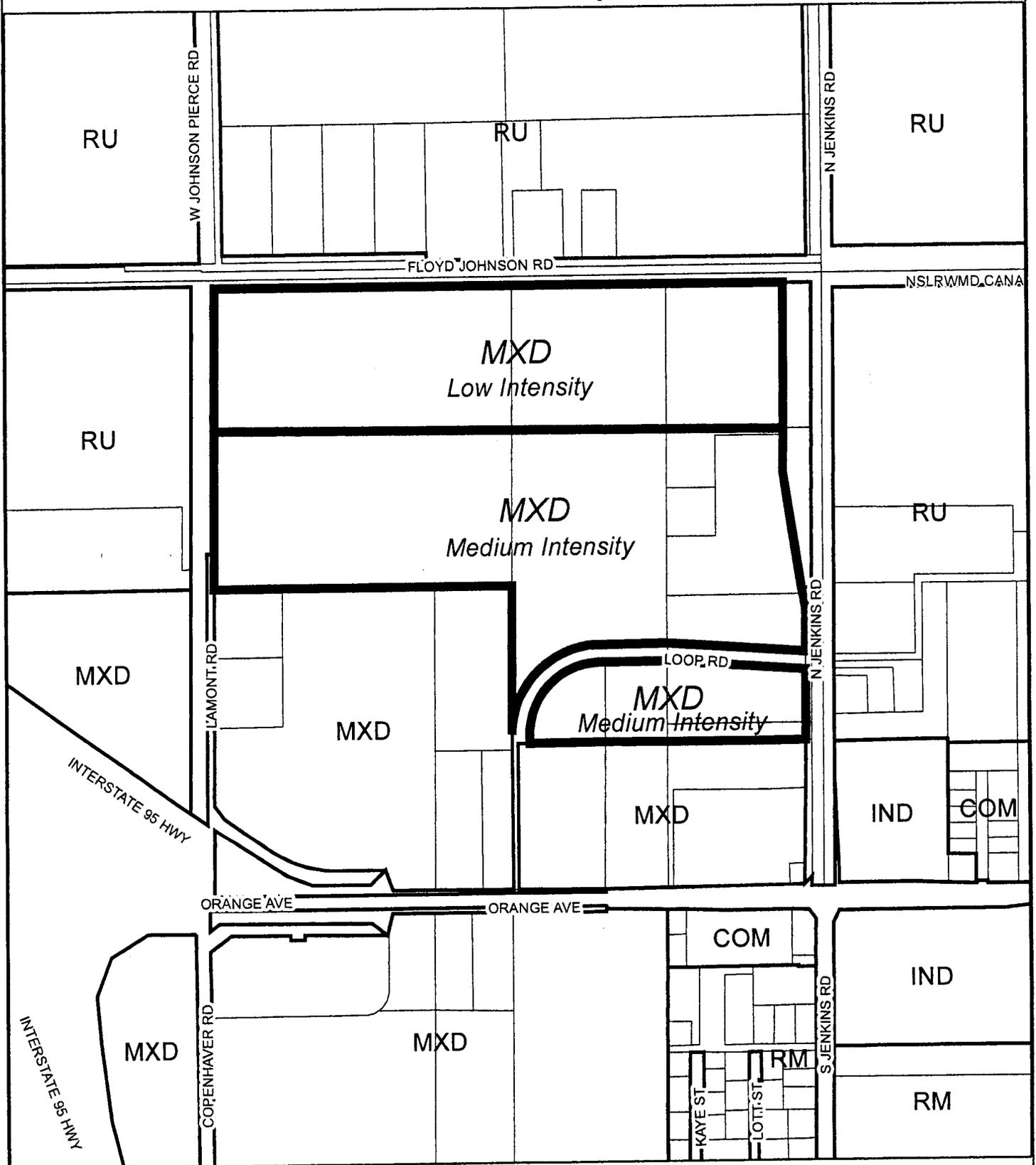


Figure 1-7n

