

ORDINANCE NO. 2019 - _____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE FUTURE LAND USE MAP BY CHANGING THE LAND USE DESIGNATION FOR ± 11.59 ACRES LOCATED AT THE SOUTHEAST CORNER OF 79TH STREET AND U.S. HIGHWAY 1 FROM C/I, COMMERCIAL INDUSTRIAL TO M-1, MEDIUM DENSITY RESIDENTIAL-1 (UP TO 8 UNITS PER ACRE); AND TO SIMULTANEOUSLY REDESIGNATE ±11.44 ACRES LOCATED AT THE NORTHEAST CORNER OF 41ST STREET AND U.S. HIGHWAY 1 FROM M-1, MEDIUM DENSITY RESIDENTIAL-1 (UP TO 8 UNITS PER ACRE), TO C/I, COMMERCIAL INDUSTRIAL; AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners adopted the Indian River County Comprehensive Plan on February 13, 1990, and

WHEREAS, the County received the subject comprehensive plan amendment application during its July 2018 amendment submittal window, and

WHEREAS, the Local Planning Agency, after due public notice, held a public hearing on this comprehensive plan amendment request on September 27, 2018, and due to a lack of quorum, continued the public hearing until October 11, 2018, and

WHEREAS, the Local Planning Agency, after receiving public comments, recommended that the Board of County Commissioners transmit the subject comprehensive plan amendment to State and Regional review agencies; and

WHEREAS, the Board of County Commissioners, after due public notice, held a Transmittal Public Hearing on November 20, 2018; and

WHEREAS, the Board of County Commissioners approved the transmittal of this comprehensive plan amendment to State and Regional review agencies, and

WHEREAS, the Board of County Commissioners announced at the transmittal public hearing its intention to advertise and hold a final public hearing at the adoption stage of this plan amendment, and

WHEREAS, the Comprehensive Plan Amendment was transmitted to State and Regional review agencies, and

WHEREAS, State and Regional review agencies had no objections concerning this Future Land Use Map Amendment, and

WHEREAS, the Board of County Commissioners of Indian River County held a Comprehensive Plan Amendment Adoption Public Hearing on March 5, 2019, after due public notice.

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NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Indian River County, Florida, that:

SECTION 1. Comprehensive Plan Amendment Adoption and Transmittal

The amendment to the Indian River County Comprehensive Plan identified in Section 2 is hereby adopted, and the Board of County Commissioners directs staff to transmit copy of the amendment to appropriate State and Regional review agencies.

SECTION 2. Amendment to the Comprehensive Plan

Subject Property 1:

TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM C/I, COMMERCIAL INDUSTRIAL TO M-1, MEDIUM DENSITY RESIDENTIAL-1 (UP TO 8 UNITS PER ACRE) FOR THE FOLLOWING DESCRIBED PROPERTY SITUATED IN INDIAN RIVER COUNTY, FLORIDA:

A PARCEL OF LAND LYING IN GOVERNMENT LOT 5, SECTION 34, TOWNSHIP 31 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, SAID PARCEL DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE WEST RIGHT OF WAY LINE OF YORK ROAD WITH THE NORTH RIGHT OF WAY LINE OF HOBART ROAD; THENCE NORTH 0 DEGREES 15 MINUTES 23 SECONDS EAST, ALONG SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 393.77 FEET; THENCE NORTH 24 DEGREES 41 MINUTES 35 SECONDS WEST, A DISTANCE OF 286.23 FEET, TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND, THENCE SOUTH 65 DEGREES 19 MINUTES 55 SECONDS WEST, A DISTANCE OF 599.83 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF STATE ROAD #5 (US HIGHWAY 1); THENCE NORTH 24 DEGREES 40 MINUTES 05 SECONDS WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 638.33 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 21 SECONDS EAST, A DISTANCE OF 297.10 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 17 SECONDS EAST, A DISTANCE OF 329.91 FEET; THENCE NORTH 0 DEGREES 15 MINUTES 23 SECONDS EAST, A DISTANCE OF 25.00 FEET; THENCE NORTH 89 DEGREES 55 MINUTES 17 SECONDS EAST, A DISTANCE OF 329.96 FEET; THENCE SOUTH 0 DEGREES 14 MINUTES 24 SECONDS WEST, A DISTANCE OF 323.13 FEET; THENCE SOUTH 24 DEGREES 41 MINUTES 35 SECONDS EAST, A DISTANCE OF 362.78 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINING 11.5897 ACRES, MORE OR LESS.

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Subject Property 2:

TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM M-1, MEDIUM DENSITY RESIDENTIAL-1 (UP TO 8 UNITS PER ACRE), TO C/I, COMMERCIAL INDUSTRIAL FOR THE FOLLOWING DESCRIBED PROPERTY SITUATED IN INDIAN RIVER COUNTY, FLORIDA:

CONSISTING OF TWO PORTIONS OF LAND LYING IN SECTION 26, TOWNSHIP 32 SOUTH, RANGE 39 EAST, INDIAN RIVER COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Portion 1:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26, RUN NORTH 00°09'03" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 41st STREET; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE SOUTH 89°56'41" WEST, A DISTANCE OF 42.06 FEET; THENCE RUN NORTH 50°50'49" WEST, A DISTANCE OF 32.51 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY No.1; THENCE RUN ALONG SAID EAST RIGHT OF WAY LINE, NORTH 15°22'00" WEST, A DISTANCE OF 401.82 FEET THE POINT OF BEGINNING;

THENCE CONTINUE NORTH 15°22'00" WEST, ALONG SAID EAST RIGHT OF WAY A DISTANCE OF 100.00 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 25.00 FEET; THENCE LEAVING SAID RIGHT OF WAY LINE RUN NORTHEAST ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 104°11'21", AN ARC DISTANCE OF 45.46 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 88°49'21" EAST, A DISTANCE OF 15.00 FEET; THENCE RUN NORTH 01°19'42" WEST, A DISTANCE OF 5.00 FEET; THENCE RUN NORTH 88°53'29" EAST, A DISTANCE OF 160.77 FEET; THENCE RUN NORTH 00°28'48" WEST, A DISTANCE OF 65.64 FEET; THENCE RUN SOUTH 89°51'19" EAST, A DISTANCE OF 70.00 FEET; THENCE RUN SOUTH 00°32'12" EAST, 174.03 FEET; THENCE RUN SOUTH 83°28'12" WEST, A DISTANCE OF 245.38 FEET TO THE POINT OF BEGINNING.

CONTAINING 0.827 ACRES MORE OR LESS.

Portion 2:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 26, RUN NORTH 00°09'03" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY LINE OF 41st STREET AND THE POINT OF BEGINNING; THENCE RUN ALONG SAID NORTH RIGHT OF WAY LINE SOUTH 89°56'41" WEST, A DISTANCE OF 42.06 FEET; THENCE RUN NORTH 50°50'49" WEST, A

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DISTANCE OF 32.51 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF US HIGHWAY No.1; THENCE RUN ALONG SAID EAST RIGHT OF WAY LINE, NORTH 15°22'00" WEST, A DISTANCE OF 401.82 FEET; THENCE DEPARTING SAID RIGHT OF WAY RUN NORTH 83°28'12" EAST, A DISTANCE OF 245.38 FEET; THENCE RUN NORTH 00°32'12" WEST, A DISTANCE OF 175.23 FEET; THENCE RUN SOUTH 89°52'07" EAST, A DISTANCE OF 627.16 FEET; THENCE RUN SOUTH 00°07'53" WEST, A DISTANCE OF 611.89 FEET TO THE AFORESAID NORTH RIGHT OF WAY LINE OF 41st STREET; THENCE RUN NORTH 89°48'50" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 694.16 FEET TO THE POINT OF BEGINNING.

CONTAINING 10.61 ACRES MORE OR LESS.

Subject to all easements, right-of-way of record, conditions, and restrictions as contained within the chain of title. All lying and being in Indian River County, Florida.

SECTION 3. Repeal of Conflicting Provisions

All previous ordinances, resolutions, or motions of the Board of County Commissioners of Indian River County, Florida, which conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION 4. Severability

It is declared to be the intent of the Board of County Commissioners that, if any provision of this ordinance and therefore the Indian River County Comprehensive Plan Amendment is for any reason finally held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions.

SECTION 5. Effective Date

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

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This ordinance was advertised in the Press-Journal on the 17th day of February, 2019, for a public hearing to be held on the 5th day of March 2019, at which time it was moved for adoption by Commissioner _____, seconded by Commissioner _____, and adopted by the following vote:

Bob Solari, Chairman _____
Susan Adams, Vice Chairman _____
Joseph E. Flescher, Commissioner _____
Tim Zorc, Commissioner _____
Peter D. O'Bryan, Commissioner _____

BOARD OF COUNTY COMMISSIONERS
OF INDIAN RIVER COUNTY

BY: _____
Bob Solari, Chairman

ATTEST BY: _____
Jeffrey Smith, Clerk Of Circuit Court and Comptroller

This ordinance was filed with the Department of State on the following date:_____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

William K. DeBaal, Deputy County Attorney

APPROVED AS TO PLANNING MATTERS

Stan Boling, AICP; Community Development Director