

ORDINANCE NO. 2019-_____

AN ORDINANCE OF INDIAN RIVER COUNTY, FLORIDA, AMENDING THE ZONING ORDINANCE AND ZONING MAP FOR ±11.59 ACRES LOCATED AT THE SOUTHEAST CORNER OF 79TH STREET AND U.S. HIGHWAY 1 FROM CL, LIMITED COMMERCIAL DISTRICT, TO RM-6, MULTI-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS PER ACRE); AND TO SIMULTANEOUSLY CHANGE THE ZONING DESIGNATION OF ±10.61 ACRES LOCATED AT THE NORTHEAST CORNER OF 41ST STREET AND U.S. HIGHWAY 1 FROM RM-6, MULTI-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS PER ACRE), TO CL, LIMITED COMMERCIAL DISTRICT AND TO CHANGE THE ZONING DESIGNATION OF ±0.83 ACRES LOCATED ADJACENT TO THE NORTHWEST CORNER OF THAT PROPERTY FROM RM-6, MULTI-FAMILY RESIDENTIAL DISTRICT (UP TO 6 UNITS PER ACRE), TO OCR, OFFICE, COMMERCIAL, RESIDENTIAL DISTRICT; AND PROVIDING CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, the Planning and Zoning Commission, sitting as the local planning agency on such matters, held a public hearing and subsequently made a recommendation regarding this rezoning request; and

WHEREAS, the Board of County Commissioners of Indian River County, Florida, did publish and send its Notice of Intent to rezone the hereinafter described property; and

WHEREAS, the Board of County Commissioners held a public hearing pursuant to this rezoning request, at which parties in interest and citizens were heard; and

WHEREAS, the Board of County Commissioners determined that this rezoning is in conformance with the Comprehensive Plan of Indian River County.

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

Subject Property 1:

The zoning of the following described property situated in Indian River County, Florida, to-wit:

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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. 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.

Is changed from CL, Limited Commercial district to RM-6, Multi-Family Residential district (up to 6 units/acre). All with the meaning and intent as set forth and described in said Land Development Regulations.

And

Subject Property 2:

The zoning of the following described property situated in Indian River County, Florida, to-wit:

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

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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.

Said parcel containing 0.827 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.

Is changed from RM-6, Multi-Family Residential district (up to 6 units/acre) to OCR, Office, Commercial, Residential district. All with the meaning and intent as set forth and described in said Land Development Regulations.

And

Subject Property 3:

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 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.

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Said parcel 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.

Is changed from RM-6, Multi-Family Residential district (up to 6 units/acre) to CL, Limited Commercial district. All with the meaning and intent as set forth and described in said Land Development Regulations.

This ordinance shall become effective 31 days after the State Land Planning Agency determines that the associated land use amendment package is complete, unless a petition is filed by an affected party.

Approved and adopted by the Board of County Commissioners of Indian River County, Florida, on this 5th day of March 2019.

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: _____

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APPROVED AS TO FORM AND LEGAL SUFFICIENCY

William K. DeBraul, Deputy County Attorney

APPROVED AS TO PLANNING MATTERS

Stan Boling, AICP; Community Development Director

F:\Community Development\Comprehensive Plan Land Use Amendments\Schwerin Asset Advisors & Indian River Land Trust\Resolution and Ordinance\Schwerin & IR Land Trust Zoning Swap - Rezoning Ordinance.docx