

ORDINANCE NO. 2014-16

AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF A PORTION OF ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 875 STERTHAUS DRIVE TOTALING 13.73±-ACRES FROM “PUBLIC INSTITUTIONAL” TO “OFFICE PROFESSIONAL”; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

WHEREAS, Ormond King Center, LLC, a Florida limited liability company, the property owner, has requested that the *Comprehensive Plan's* Future Land Use Map designation of a portion of real property located at 875 Sterthaus Drive (the “Property”) totaling 13.73± acre, described and depicted in Exhibit "A" attached hereto, from “Public Institutional” to “Office Professional” as depicted in Exhibit "B" attached hereto and incorporated herein by reference (the "Amendment"), and

WHEREAS, by Ordinance No. 90-36, the City Commission did adopt the City of Ormond Beach *Comprehensive Plan*, as required by the Local Government Comprehensive Planning and Land Development Regulation Act (Chapter 163, Part II, *Florida Statutes*) which *Comprehensive Plan* has been subsequently amended, and

WHEREAS, the property affected, shall following the expedited state review process in Section 163.3184(3), *Florida Statutes*, and

WHEREAS, the requested *Comprehensive Plan* amendment involves a use of more than ten (10) acres, and

WHEREAS, the requested *Comprehensive Plan* amendment does not involve a text change to the goals, policies, and objectives of the City's *Comprehensive Plan*, but only proposes a land use change to the Future Land Use Map over ten acres, and

WHEREAS, the requested *Comprehensive Plan* amendment is not located within an area of critical state concern, and

WHEREAS, on February 13, 2014, with the local planning agency, being the Planning Board, conducted a public, with due public notice, on the requested *Comprehensive Plan* amendment, and recommended approval thereof, and

WHEREAS, the City Commission has duly conducted a public hearing authorizing transmittal of the requested *Comprehensive Plan* amendment, as described in §163.3184(3) and (11), *Florida Statutes*, and

WHEREAS, the City Commission has duly conducted a public hearing adopting the requested *Comprehensive Plan* amendment, as described in §163.3184(3)(c)(1), (4)(e)(1) and (11), *Florida Statutes*, and

WHEREAS, the City Commission finds that approval of the requested *Comprehensive Plan* amendment will preserve the internal consistency of the City's *Comprehensive Plan* pursuant to §163.3177, *Florida Statutes*, now therefore,

BE IT ENACTED BY THE PEOPLE OF THE CITY OF ORMOND BEACH, FLORIDA, THAT:

SECTION ONE. The foregoing recitals are incorporated herein by reference as the legislative findings of the Ormond Beach City Commission.

SECTION TWO. The Future Land Use designation of a portion of that certain real property totaling 13.73± acres described and depicted in Exhibit "A" attached hereto, and as shown on the Future Land Use Map incorporated into the Future Land Use Element of the City of Ormond Beach *Comprehensive Plan*, as depicted in Exhibit "B" attached hereto, be and the same is hereby changed from "Public Institutional" to "Office Professional".

SECTION THREE. The Planning Director is hereby authorized and directed to transmit the appropriate number of copies of the land use map amendment within ten (10) days after the first reading of this Ordinance to the Department of Economic Opportunity, the Department of Environmental Protection, the Department of State, the Department of Transportation, the St Johns River Water Management District, and the East Central Florida Regional Planning Council.

SECTION FOUR. The Planning Director is hereby authorized and directed to transmit the appropriate number of copies of the land use map amendment after the first reading of this Ordinance to the Volusia Growth Management Commission and to any other local government agency in the State of Florida which has filed a written request with the City Commission for such.

SECTION FIVE. Pursuant to §163.3184(3) and (5), *Florida Statutes*, the second reading of this *Comprehensive Plan* amendment shall not exceed 180 days after the receipt of the Department of Economic Opportunity comments.

SECTION SIX. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION SEVEN. In the event any section or provision of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such declaration shall not be deemed to affect the validity of this Ordinance as a whole or any other section or provision thereof.

SECTION EIGHT. 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 City of Ormond Beach 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 use dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative 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.

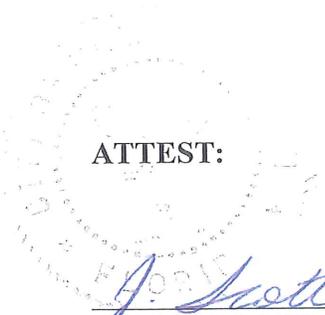
PASSED UPON at the first reading of the City Commission, this 18th day of
March, 2014.

PASSED UPON at the second and final reading of the City Commission, this
17th day of June, 2014.



ED KELLEY
Mayor

ATTEST:




J. SCOTT McKEE
City Clerk

EXHIBIT "A"

PAGE 1 OF 2

LEGAL DESCRIPTION:

BEING A PORTION OF LOT "F", GRANT LOT 10 AND LOT "D", OF GRANT LOT 10-1/2, THEREOF, ASSESSOR'S SUBDIVISION OF THE HENRY YOUNG GRANT, OF RECORD IN MAP BOOK 2, PAGE 118, ALSO RECORDED IN MAP BOOK 12, PAGE 24, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT-OF-WAY LINE OF OLD KINGS ROAD (A 50 FOOT RIGHT-OF-WAY), WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STERTHAUS AVENUE (A 50 FOOT RIGHT-OF-WAY); RUN THENCE NORTH 24 DEGREES 14 MINUTES 37 SECONDS WEST ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID OLD KINGS ROAD, FOR A DISTANCE OF 481.43 FEET TO A POINT ON THE NORTH LINE OF LOT "D", OF GRANT LOT 10-1/2, THEREOF, ASSESSOR'S SUBDIVISION OF THE HENRY YOUNG GRANT, OF RECORD IN MAP BOOK 2, PAGE 118, ALSO RECORDED IN MAP BOOK 12, PAGE 24, PUBLIC RECORDS OF VOLUSIA COUNTY, FLORIDA; THENCE DEPARTING SAID EASTERLY LINE NORTH 65 DEGREES 10 MINUTES 47 SECONDS EAST ALONG THE NORTH LINE OF SAID LOT "D", OF GRANT LOT 10-1/2, FOR A DISTANCE OF 1241.82 FEET TO THE NORTHEAST CORNER OF SAID LOT "D", GRANT LOT 10-1/2; THENCE DEPARTING SAID NORTH LINE SOUTH 24 DEGREES 20 MINUTES 08 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT "D", GRANT LOT 10-1/2, FOR A DISTANCE OF 257.12 FEET TO THE NORTHEAST CORNER OF LOT "F", GRANT LOT 10, OF SAID ASSESSOR'S SUBDIVISION OF THE HENRY YOUNG GRANT; THENCE SOUTH 24 DEGREES 15 MINUTES 08 SECONDS EAST ALONG THE EASTERLY LINE OF SAID LOT "F", GRANT LOT 10, FOR A DISTANCE OF 224.76 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF AFORESAID STERTHAUS AVENUE ; THENCE SOUTH 65 DEGREES 12 MINUTES 03 SECONDS WEST ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, FOR A DISTANCE OF 1242.26 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 13.734 ACRES MORE OR LESS.

PROJECT NAME: ORMOND KING CENTER

PROJECT LOCATION: 555 & 857 STERTHAUS AVENUE, ORMOND BEACH



PROJECT No:

140210

DATE:

02/27/2014

DRAWN BY:

DAB

SHEET No.

1 OF 2

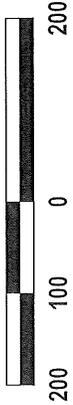
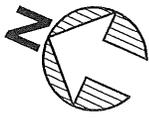
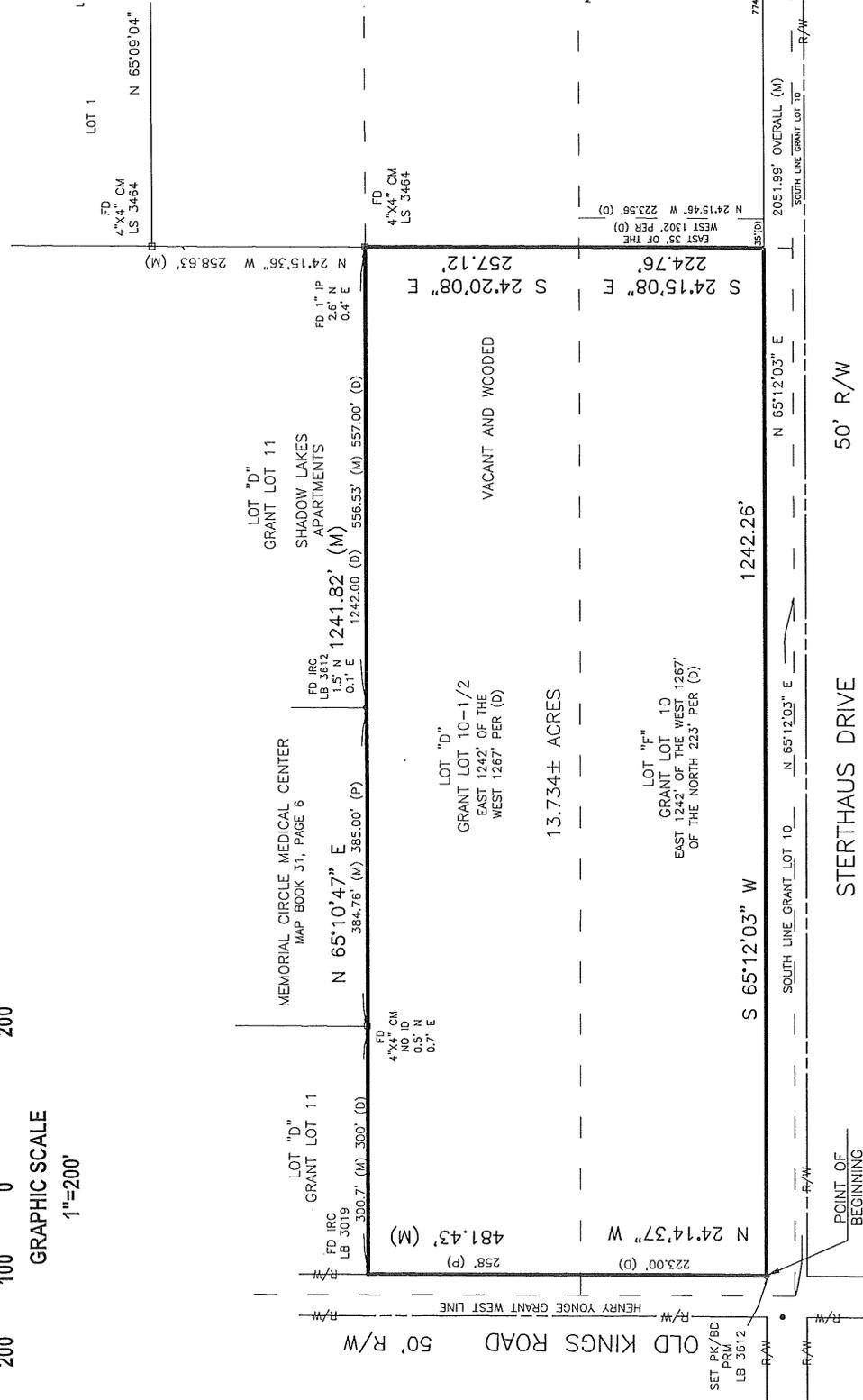


EXHIBIT "A" PAGE 2 OF 2 SKETCH OF DESCRIPTION



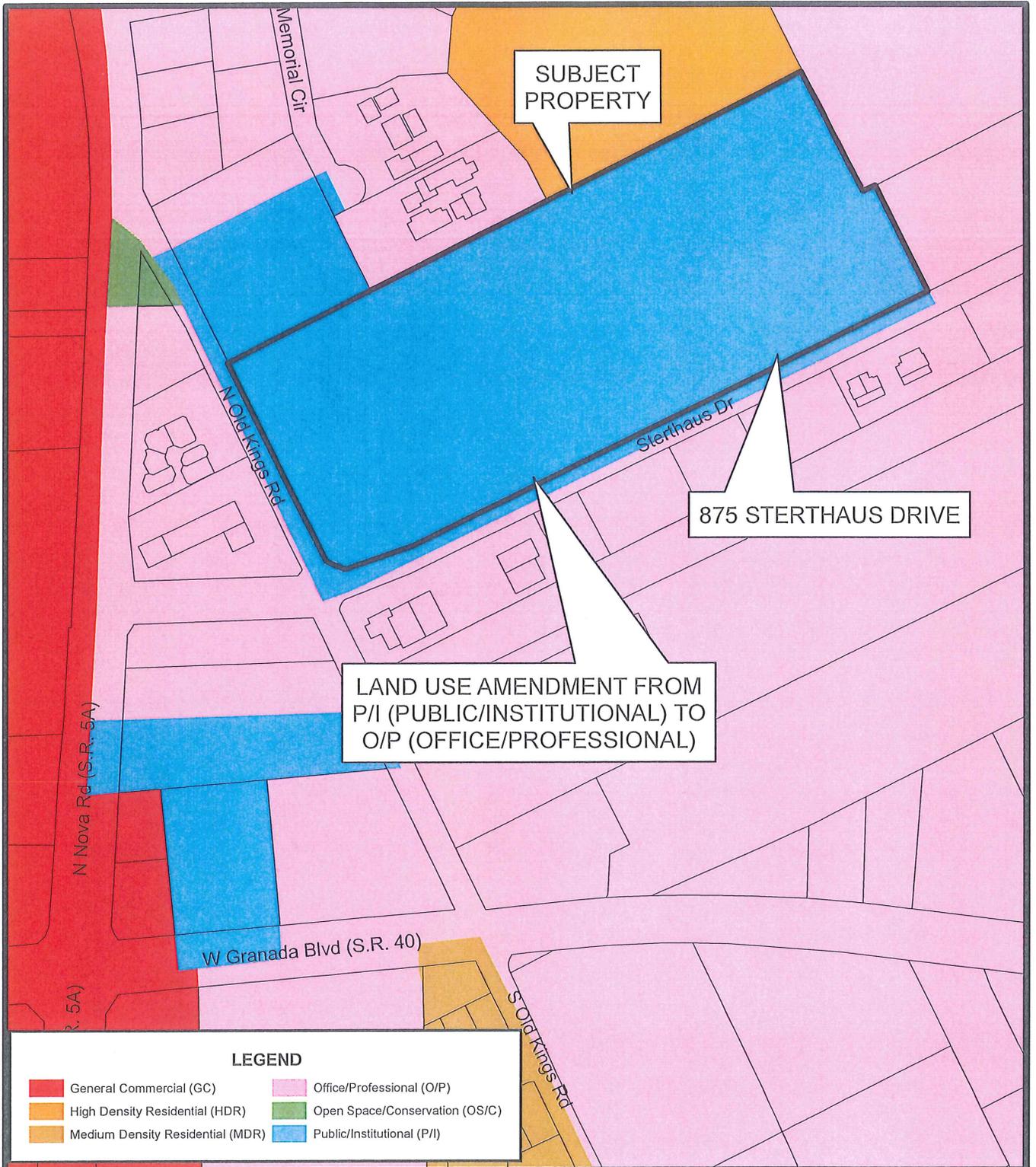
PROJECT NAME: ORMOND KING CENTER
 PROJECT LOCATION: 555 & 857 STERTHAUS AVENUE, ORMOND BEACH

UPHAM
 CIVIL ENGINEERING-SURVEYING-LANDSCAPE ARCHITECTURE
 266 Kenilworth Avenue • Ormond Beach • Florida 32174
 Voice: 386.672.9515 • Fax: 386.673.6554 • uphaminc.com
 LC # 0000357

PROJECT No.: 140210
 DATE: 02/27/2014

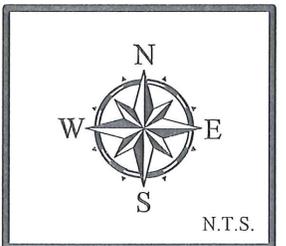
DRAWN BY: DAB
 SHEET No. 2 OF 2

EXHIBIT "B"



LAND USE AMENDMENT MAP
875 STERTHAUS DRIVE
(4221-11-00-0080)

Prepared By: The City of Ormond Beach
 G.I.S. Department - 1/10/2013

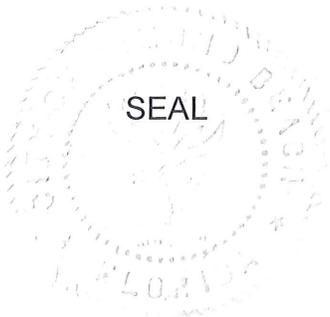


CERTIFICATE

STATE OF FLORIDA
COUNTY OF VOLUSIA
CITY OF ORMOND BEACH

I, J. Scott McKee, City Clerk of the City of Ormond Beach, Florida, do hereby certify that the foregoing is a true, correct and complete copy of Ordinance No. 2014-16 as the same appears of record at City Hall, City of Ormond Beach, Florida.

Dated this 19th day of June 2014.





J. Scott McKee
City Clerk
CITY OF ORMOND BEACH, FLORIDA

Minutes Excerpt – City Commission Meeting June 17, 2014

Item #8A – 875 Sterthaus Drive Land Use Amendment

City Clerk Scott McKee read by title only:

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AN ORDINANCE AMENDING THE FUTURE LAND USE ELEMENT OF THE COMPREHENSIVE PLAN BY AMENDING THE FUTURE LAND USE MAP TO CHANGE THE DESIGNATION OF A PORTION OF ONE (1) PARCEL OF REAL PROPERTY LOCATED AT 875 STERTHAUS DRIVE TOTALING 13.73±-ACRES FROM “PUBLIC INSTITUTIONAL” TO “OFFICE PROFESSIONAL”; AUTHORIZING TRANSMITTAL; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; AND SETTING FORTH AN EFFECTIVE DATE.

Commissioner Boehm moved, seconded by Commissioner Partington, for approval of Ordinance No. 2014-16, on second reading, as read by title only.

Call Vote:	Commissioner Boehm	Yes
	Commissioner Partington	Yes
	Commissioner Stowers	Yes
Carried.	Mayor Kelley	Yes