

P. U. D. OFF. REC.
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ORDINANCE NUMBER: 94-21

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA,
REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING
CLASSIFICATION OF OR TO PLANNED SPECIAL DEVELOPMENT.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY,
FLORIDA:

SECTION 1. That, as requested by Anderson-Columbia Co., Inc., in its application with supporting documents for zoning change, dated February 2, 1994 (and as amended on March 22, 1994) (hereinafter the "PSD Application"), the zoning classification of the lands described on the attached Exhibit "A" is hereby changed from OR to Planned Special Development.

SECTION 2. That development of the lands within this PSD shall proceed in accordance with the PSD Application and supporting documents which are a part of zoning file number R-PSD-94-004 and which are incorporated by reference into and made a part of this ordinance, and as supplemented by the provisions of this ordinance. In the case of conflict between the Application or supporting documents, and the below described provisions of the ordinance, the below described provisions shall prevail.

SECTION 3. The applicant reserves the right to make minor modifications to the footprints of the proposed buildings so long as the minor modifications do not result in an increase in the total square footage of the proposed buildings. The applicant further reserves the right to modify the approved site plan and entrance design to satisfy the requirements of the St. Johns County Public Works Department and any other regulatory agency having jurisdiction over the project.

SECTION 4. That the need and justification for approval of the PSD had been considered in accordance with Section 11-10-04 of the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan, whereby:

(a) The rezoning is consistent with development of property in the area and is compatible with the desired future development of the area;

(b) The proposed development is consistent with the past use of the property for a portable asphalt plant and, based on this past use, the proposed development is consistent with the Comprehensive Plan; and

(c) At the public hearing on March 17, 1994, St. Johns County Planning and Zoning Agency recommended approval by unanimous vote.

SECTION 5. That, subject to the provisions of the PSD application, all roads and parking areas within the project, either public or private, shall be constructed to approved county standards.

SECTION 6. That all easements required for drainage purposes shall be granted to the county at no cost, upon county's request.

SECTION 7. All building code, zoning ordinance and other land use and development regulations of St. Johns County, as may be amended from time to time shall be applicable to this development, except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved development plan or PSD ordinance. Modification to approved development plans by variance or special exception shall be prohibited.

SECTION 8. This project shall comply with the standards, policies and requirements in effect at the time of final approval and permitting of this project for development, including any successor or new policies, financing mechanism, plans and ordinances adopted by St. Johns County after the date of the Planned Special Development ordinance approval, including, without limitation, any concurrency management programs adopted pursuant to Florida Statutes 163.3202(2)(g), as amended, and objective J.01.05 of the St. Johns County Comprehensive Plan dated September 14, 1990, including any amendments or successor policies of land development regulations adopted to implement Florida Statutes 163.3203(2)(g).

SECTION 9. The zoning official is authorized to issue zoning clearances allowed by zoning classification as rezoned hereby.

SECTION 10. This ordinance shall take effect immediately upon receipt of official acknowledgment of the Department of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that the same has been filed.

PASSED AND ADOPTED by the Board of County Commissioners of St. Johns County, Florida, this 10th day of May, 1994.

Regular Meeting

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Allan Roberts
Its Chair Allan Roberts

Attest: Carl "Bud" Markel, Clerk

By: Wanne Carter
Deputy Clerk

Adopted May 10, 1994
Meeting Regular
Effective May 20, 1994

EXHIBIT "A"

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A PARCEL OF LAND LYING IN SECTIONS 5, 8 AND 47, TOWNSHIP 10 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 204 (HAVING A 100 FOOT RIGHT-OF-WAY AS NOW EXISTS) AND THE WESTERLY RIGHT-OF-WAY OF FLORIDA EAST COAST LINE RAILROAD (HAVING A 400 FOOT RIGHT-OF-WAY AS NOW EXISTS) AND RUN ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 09 DEGREES 08 MINUTES 30 SECONDS EAST, A DISTANCE OF 1850.26 FEET; THENCE RUN PARALLEL TO SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 204, SOUTH 85 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 216.54 FEET; THENCE RUN NORTH 18 DEGREES 00 MINUTES 47 SECONDS WEST, A DISTANCE OF 471.82 FEET; THENCE RUN PARALLEL TO SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 204, SOUTH 85 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 66.85 FEET; THENCE RUN PARALLEL TO SAID WESTERLY RIGHT-OF-WAY OF FLORIDA EAST COAST LINE RAILROAD, NORTH 09 DEGREES 08 MINUTES 30 SECONDS WEST, A DISTANCE OF 1390.00 FEET TO THE INTERSECTION WITH SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 204; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 85 DEGREES 30 MINUTES 04 SECONDS EAST, A DISTANCE OF 356.39 FEET TO THE POINT OF BEGINNING. SAID LANDS CONTAINING 14.00 ACRES, MORE OR LESS.

ADDITIONAL INFORMATION AND MATERIALS REQUIRED BY
ARTICLE 8-A PLANNED SPECIAL DEVELOPMENT, PSD

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1. Agreement of Applicant.

The applicant, agrees to:

(a) Proceed with the proposed project in accordance with the adopted Planned Special Development and such conditions and safeguards as may be set by the Board of County Commissioners in such Ordinance;

(b) Produce a written statement of a proposal for completion of such project according to plans approved by such Ordinance and for continuing operation and maintenance of such area, functions and facilities; and

(c) Bind its successors in title to any commitments made in this application.

2. Exhibits.

Applicant attaches hereto the following exhibit:

(a) A survey and site plan of the subject property depicting the location of the proposed buildings, parking areas, detailed circulation system, open space, landscaping and drainage facilities.

3. Proposed Plan of Development.

The proposed PSD is a portable asphalt plant which will be operated on the property from time to time to supply asphalt for road paving projects in and around St. Johns County. A portable asphalt plant was previously operated on the property during the period 1990 through 1992 pursuant to temporary use permits approved by the St. Johns County Board of County Commissioners. The property is vacant at this time.

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The portable asphalt plant will transform raw materials consisting of local sand, crushed limestone and milled asphalt into asphalt which is then placed in a storage bin and transported by dump truck to a road paving site. The raw materials are delivered by rail to the plant site. The plant will produce approximately seven (7) loads of asphalt per day while in operation.

The property is well suited for the proposed use because it lies adjacent to the F.E.C. Railway and is convenient to the area's major roadways (I-95 and US 1).

The plant will at all times be permitted by the Department of Environmental Protection. A copy of the current permit is attached. The portable plant has no footings or foundations and utilizes tires and wheels for support; a semi-trailer will be located on site while the plant is in operation for equipment storage. No buildings will be erected on site.

The applicant requests that any paving requirements be either waived or deferred for a period of five (5) years.

The plant will be setback a minimum of fifty (50) feet from the right-of-way of CR 204 and buffered from surrounding lands by the four hundred (400) foot F.E.C. right-of-way located to the East and by an existing wetland area on the West. The existing wetland will be maintained in its natural state. The asphalt plant will be set back a minimum of seventy-five (75) feet from the wetland area. In addition, a twenty-five (25) foot wide natural area shall be maintained adjacent to the wetland area. The wetlands will be protected by a Silt Barrier which will be installed each time the plant is moved on-site.

The asphalt plant and all equipment will be removed from the property during periods of non-use. For purposes of this PSD a period of non-use will be any period in excess of three (3) months during which the plant will not be operated. The property will be cleaned and graded anytime the plant is removed from the property.

4. Heights and Structures.

The temporary asphalt plant will not exceed thirty-five (35) feet in height.

5. Signage.

No free-standing signage is proposed or contemplated. The letters AC and the name Anderson Columbia will be painted on the asphalt plant.

6. Ingress and Egress.

Ingress and egress to the property shall be provided by an existing single driveway located on State Road 204. A five (5) foot paved apron will be installed within the driveway adjacent to County Road 204. The remainder of the driveway will be unpaved, constructed of dirt and will meet county specifications for unpaved driveways as set forth in the Right-of-way permit to be obtained from the County Public Works Department.

7. Water and Sewer.

Water for drinking will be provided by bottled water and water needed for plant operation by an existing on site well. Sewage will be handled by a portable septic tank. The applicant will obtain a permit for the tank from the St. Johns County Health Department prior to

installation. The tank will be removed from the property during periods of non-use.

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8. Stormwater Retention.

No stormwater retention is planned because there will be no impervious surfaces on site.

9. Placement of Fill.

No filling of wetland jurisdictional areas is contemplated or proposed. Fill may be utilized to stabilize upland areas for access and parking purposes. Any fill brought on site shall be placed in accordance with the provisions of Ordinance 86-4.

10. Site Coverage.

No impervious surfaces will be installed on site. The portable asphalt plant, supported by wheels only, will occupy a small portion of the property as shown on the site plan.

11. Parking and Loading Spaces.

The applicants have provided three (3) unpaved parking spaces which will be sufficient to serve the needs of the plants two (2) employees. Customer parking is not necessary as there is no business transacted on site.

12. Setbacks.

The plant shall be set back fifty (50) feet from all property lines. The existing wetland will be maintained in its natural state. The asphalt plant will be set back a minimum of seventy-five (75) feet from the wetland area. In addition, a twenty-five (25) foot wide natural area

shall be maintained adjacent to the wetland area. The wetlands will be protected by a Silt Barrier which will be installed each time the plant is moved on-site. These are minimum setbacks which may be increased but not decreased, at the option of the applicant.

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13. Fire Protection.

No fire hydrants will be installed because there is no central water on site, the asphalt plant is constructed of steel and the risk of fire is minimal. However, fire extinguisher and portable water will be available on site should an equipment fire occur. In addition the equipment shall be equipped with two (2) automatic shut-offs that will shut down the heating units when they reach a pre-set temperature.

14. Landscaping.

The applicants shall comply with the applicable portions of the St. Johns County tree removal and land clearing ordinances. The applicant will also install a five (5) foot wide landscaped buffer adjacent to the right of way of CR 204. No other landscaping is planned since no buildings or paving will be constructed or installed on site.

15. Justification.

The proposed Planned Special Development is a specific and creative approach to development of land and will allow St. Johns County to control the development of this property. A portable asphalt plant is the type of unique special use which the PSD ordinance was designed to govern.

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16. Savings Clause.

This project shall comply with the standards, policies and requirements in effect at the time of final approval and permitting of this project for development.

This project shall comply with the standards, policies and requirements in effect at the time of final approval and permitting of this project for development, including any successor or new policies, financing mechanisms, plans and ordinances adopted by St. Johns County after the date of the Planned Special Development Ordinance approval, including, without limitation, any concurrency management programs adopted pursuant to Florida Statute 163.3203(2)(g), as amended, and Objective J.01.05 of the St. Johns County Comprehensive Plan dated September 14, 1990, including any amendments or successor policies of land development regulations adopted to implement Florida Statute 163.3202(2)(g).

WHEREFORE, the applicants respectfully request approval of this Planned Special Development application.

I HEREBY CERTIFY that the above information is true and correct to the best of my knowledge.

UPCHURCH, BAILEY and UPCHURCH, P.A.

By: John D. Bailey, Jr.
JOHN D. BAILEY, JR.
Post Office Drawer 3007
St. Augustine, Florida 32085-3007
Tel. No.: (904) 829-9066

Attorneys for Applicants

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The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

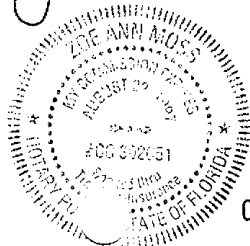
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____
SHERRY R. FREE _____ who on oath says that she is
ACCOUNTING CLERK _____ of the St. Augustine Record, a
daily newspaper published at St. Augustine in St. Johns County, Florida; that
the attached copy of advertisement, being a _____
NOTICE OF MEETING _____
_____ in the matter of _____
MEETING ON APRIL 10, 1994 _____
_____ in the _____ Court,
was published in said newspaper in the issues of _____
April 4, 1994 _____

Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said
newspaper has heretofore been continuously published in said St. Johns County,
Florida, each day and has been entered as second class mail matter at the
post office in the City of St. Augustine, in said St. Johns County, Florida, for a
period of one year next preceding the first publication of the attached copy of
advertisement; and affiant further says that she has neither paid nor promised
any person, firm or corporation any discount, rebate, commission or refund
for the purpose of securing the advertisement for publication in the said
newspaper.

Sworn to and subscribed before me _____
this _____ 5th _____ day of _____ April _____
A.D. 19 _____ 94 _____

Zoe Ann Moss
Notary Public



COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA AT ITS REGULAR MEETING ON THE 10TH DAY OF MAY 1994 AT 1:30 o'clock PM, IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OR TO PSD.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. Pursuant to the application of Anderson-Columbia Co., Inc. owners of the following described land, zoning classification of OR, Open Rural on the following described lands:

EXHIBIT "A"
A PARCEL OF LAND LYING IN SECTIONS 5, 8, AND 47, TOWNSHIP 10 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD 204 (HAVING A 100 FOOT RIGHT-OF-WAY AS NOW EXISTS) AND THE WESTERLY RIGHT-OF-WAY OF FLORIDA EAST COAST LINE RAILROAD (HAVING A 400 FOOT RIGHT-OF-WAY AS NOW EXISTS) AND RUN ALONG SAID WESTERLY RIGHT-OF-WAY, SOUTH 09 DEGREES 08 MINUTES 30 SECONDS EAST, A DISTANCE OF 1850.74 FEET; THENCE RUN PARALLEL TO SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 204, SOUTH 82 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 216.54 FEET; THENCE RUN NORTH 18 DEGREES 09 MINUTES 47 SECONDS WEST, A DISTANCE OF 471.82 FEET; THENCE RUN PARALLEL TO SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 204, SOUTH 85 DEGREES 30 MINUTES 04 SECONDS WEST, A DISTANCE OF 68.85 FEET; THENCE RUN PARALLEL TO SAID WESTERLY RIGHT-OF-WAY OF FLORIDA EAST COAST LINE RAILROAD, NORTH 09 DEGREES 08 MINUTES 30 SECONDS WEST, A DISTANCE OF 1399.00 FEET TO THE INTERSECTION WITH SAID SOUTHERLY RIGHT-OF-WAY OF STATE ROAD 204; THENCE RUN ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTH 85 DEGREES 30 MINUTES 04 SECONDS EAST, A DISTANCE OF 356.99 FEET TO THE POINT OF BEGINNING, SAID LANDS CONTAINING 14.00 ACRES, MORE OR LESS.

IS HEREBY CHANGED TO: PSD, Planned Special Development in accordance with documents filed in application R-PSD-94-004.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in zoning district wherein said lands are located.

SECTION 3. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgment of the office of the Secretary of State to the Clerk of the Board of County Commissioners, that same has been filed.

BOARD OF COUNTY
COMMISSIONERS OF
ST. JOHNS COUNTY,
FLORIDA
By: s/ Carl "Bud" Markel
its clerk

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearing, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

NOTICE TO PERSONS
NEEDING SPECIAL ACCOM-
MODATIONS AND TO ALL
HEARING IMPAIRED PER-
SONS: In accordance with the
Americans with Disabilities Act
persons needing a special ac-
commodation or an interpreter,
to participate in this proceeding,
should contact David Halstead,
ADA Coordinator, at (904)
823-2500 or at the County Admin-
istration Building, 4020 Lewis
Speedway, St. Augustine, Flori-
da 32095, not later than 5 days
prior to the date of this meeting.
L080 April 4, 1994