

(9491)

P. U. D. OFF. REC.
BOOK J PAGE 163

ORDINANCE NUMBER : 96-27
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF
FLORIDA, REZONING LANDS AS DESCRIBED
HEREINAFTER FROM ZONING CLASSIFICATION OF
OR, OPEN RURAL, WITH CONDITIONS,
TO OR, OPEN RURAL; PROVIDING FOR CHANGE IN CONDITIONS;
PROVIDING A SAVINGS CLAUSE; MAKING
FINDINGS OF FACT; REQUIRING RECORDATION
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Charles E. Pellicer, Attorney, on behalf of St. Augustine-St. Johns County Airport Authority, record title owners of land described herein, filed an application for change dated March 5, 1996 for zoning hereinafter described, and after required notice was published a public hearing was held on the 14th day of May, 19 96 at 1:30 o'clock PM on said application.

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

SECTION 1. Upon consideration of the application, R-96-008, supporting documents, statements from the applicant, correspondence received by the Planning Department, recommendation of the Planning and Zoning Agency, and statements from the staff and applicant at the public hearing, finds as follows:

1. That the need and justification for approval of the rezoning to OR, Open Rural, with conditions has been considered in accordance with Section 11-10-4 of the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan, whereby it is found that:

- a. The rezoning is consistent with the development of the properties in the area and is compatible with the desired future development of the area, and;
- b. The proposed intensity of development is consistent with the uses allowable by the Comprehensive Plan MUC and "C" designation, in that the project proposes a development in compliance with Airport Master Plan.
- c. At the public hearing of April 4, 1996 the St. Johns County Planning and Zoning Agency recommended approval by unanimous vote.

SECTION 2. Pursuant to the application of Charles E. Pellicer, Esquire as authorized by the record title owner(s), St. Augustine-St. Johns County Airport Authority of the subject land, the zoning classification of OR, with conditions, the present Ordinance 85-89, on the following described land:

see attached Schedule "A"

Ordinance Book 17 Page 548

Rec-1700
Jur-200
- Bill Co -
Jen + Ret - T Acetti
- S. J. S. J. S.

Recorded in Public Records St. Johns County, FL
Clerk# 96020538 O.R. 1177 PG 834 03:05PM 06/11/96
Recording \$17.00 Surcharge \$2.50

O.R. 1177 PG 0835

is hereby changed to OR, Open Rural, subject to the following conditions: **P.U.D. OFF. REC.**

BOOK J PAGE 164

1. 6 ft. security fence shall be erected and maintained around the property, with barbed wire at the top. No access off Estrella Avenue, except to the office area and the card gate, which access shall be within 70 feet East of U.S. Highway No. 1. Access shall be paved. Card gate shall be located at least 60 feet from the North right of way of Estrella Avenue.
2. A 25 ft. buffer shall be maintained along southerly side of Estrella Avenue, excepting a 100 ft. buffer area which is required to be 20 ft. in depth, and requires county staff review and approval for consistent opaqueness with the 25 ft. buffer, with a 6 ft. hedge planted and maintained by the St. Augustine-St. Johns County Airport Authority along southern boundary of Estrella Avenue.
3. Fence to be placed separating office area from hangar area, to prohibit traffic, pedestrian and vehicle.
4. No engine run-up in area. Prop jets may be allowed in Hangar area, but shall not be allowed within 200 feet from Estrella Avenue.
5. Size of hangars shall be limited to 29 feet high with 60 ft. doors. Only one hangar may be used for multi engine turbo prop.
5. These conditions shall supersede conditions found in preceding ordinances 85-49 and 85-59, and also Order of the Zoning Board found in File number E-84-38.

SECTION 3. Nothing herein contained shall be deemed to impose conditions, limitation or requirements not applicable to all other land in the zoning district wherein said lands are located, except as stated herein.

SECTION 4. All building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development. Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety or welfare, nothing in this section shall be deemed to : (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida Law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any Concurrency certificate or Concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this Section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitution.

P.U.D. OFF. REC.
BOOK J PAGE 166

O.R. 1177 PG 0837

SECTION 5. This Ordinance shall take effect upon receipt by Secretary of State.

SECTION 6. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official records of St. Johns County, Florida, and indexed under the name of property owner listed in Section 1 hereof.

SECTION 7. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed in the office of Planning, by the Planning Director or his designee.
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 14th DAY OF May 1996.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

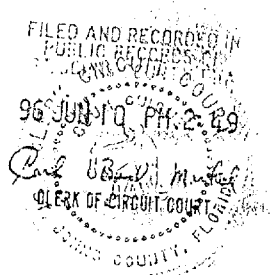
BY: Donald Jordan
Its Chair, Donald Jordan

ATTEST: CARL "BUD" MARKEL, CLERK

BY: Patricia De Grande
Deputy Clerk



Effective Date May 22, 1996



SCHEDULE "A"

OFF REC 568 PAGE 502

Legal Description

O.R. 1177 PG 0836

P.U.D. OFF. REC.

BOOK J PAGE 165

PARCEL 1:

Part of the Pablo Sabate Grant, Section 50, Township 6 South, Range 29 East, described as follows: Starting at a point being the intersection of the North line of Estrella Avenue with the East line of Espanola Avenue, and being also the Southwest corner of Lot 1, Block "M" of Araquay Park Subdivision as recorded in Map Book 3, page 145, of the public records of St. Johns County, Florida; run thence North 27 degrees 15 minutes West and along the East line of said Espanola Avenue a distance of 130 feet to an iron pipe for the point of beginning; run thence North 62 degrees, 40 minutes East and along the North line of Lots 1, 2, 3 and 4 of Block "M" and said North line extended, a distance of 280.29 feet to an iron pipe; run thence North 27 degrees, 15 minutes West, a distance of 280 feet to an iron pipe, located on the South line of the Airport property; run thence South 62 degrees, 40 minutes West along the South line of said Airport property a distance of 280.29 feet to an iron pipe; run thence South 27 degrees, 15 minutes East, a distance of 280 feet to the point of beginning.

PARCEL 2:

Lots 3 and 4, Block "M", ARAQUAY PARK UNIT NO. 2, according to plat thereof recorded in Map Book 3, page 145, public records of St. Johns County, Florida.

The St. Augustine Record

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

PLANNING & ZONING DEPARTMENT

APR 18 1996

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared ST. JOHNS COUNTY
FLORIDA

Barbara Dresslar who on oath says that she is
Credit Manager 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 Proposed Rezoning

in the matter of St. Augustine / S.J.C. Airport Authority

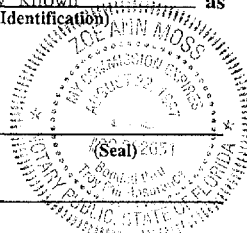
in the _____ Court, was published in said newspaper in the
issues of April 17, 1996

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 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 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 17th day of April, 1996,
by Barbara Dresslar who is personally
known to me or who has produced Personally Known as
(Type of Identification)
identification.

Zoe Ann Moss
(Signature of Notary Public)

Zoe Ann Moss
(Print, Type or Stamp Commissioned Name of Notary Public)



COPY OF ADVERTISEMENT

NOTICE OF PROPOSED REZONING
Notice is hereby given that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on the 14th day of May, 1996, at 1:30 p.m., in the County Auditorium, County Administration Building, Lewis Speedway (County Road 16-A) and US1 North, St. Augustine, Florida, will consider 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, Open Rural, with conditions, to OR, with a change in conditions.

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

SECTION 1: Pursuant to the application of St. Augustine-St. Johns County Airport Authority, record title owners of the following described land, zoning classification of OR, Open Rural, with conditions, on the following described lands:

SCHEDULE "A"
PARCEL 1:
Part of the Pablo Sabale Grant, Section 50, Township 6 South, Range 29 East, described as follows: Starting at a point being the intersection of the north line of Estrella Avenue with the East line of Espanola Avenue, and being also the Southwest corner of Lot 1, Block "M" of Arauquay Park subdivision as recorded in Map Book 3, page 145, of the public records of St. Johns County, Florida; run thence North 27 degrees 15 minutes West and along the East line of said Espanola Avenue a distance of 130 feet to an iron pipe for the point of beginning; run thence North 62 degrees, 40 minutes East and along the North line of Lots 1, 2, 3 and 4 of Block "M" and said North line extended a distance of 280.29 feet to an iron pipe; run thence North 27 degrees, 15 minutes West, a distance of 280 feet to an iron pipe, located on the South line of the Airport property; run thence South 62 degrees, 40 minutes West along the South line of said Airport property a distance of 280.29 feet to an iron pipe; run thence South 27 degrees, 15 minutes East, a distance of 280 feet to the point of beginning.

PARCEL 2:
Lots 3 and 4, Block "M" of ARAUQUAY PARK UNIT NO. 2, according to plat thereof recorded in Map Book 3, page 145, public records of St. Johns County, Florida.

IS HEREBY CHANGED TO: OR, Open Rural, with a change in conditions, providing for fencing; limitation on engine run-up; limitation on size of hangars; and access provisions.

SECTION 2: Nothing herein contained shall be deemed to impose conditions, limitation 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: The Ordinance shall take effect immediately upon receipt of official acknowledgment of the office of the Secretary of State to the Board of County Commissioners.

COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA
By s/Carl "Bud" Markel, 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 appeal is to be based.

Notice to persons needing special accommodations and to all hearing impaired persons: In accordance with the Americans with Disabilities Act, persons needing a special accommodation, or an interpreter, to participate in this proceeding should contact David Holstad, ADA Coordinator, at (904) 822-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095, not later than 5 days prior to the date of this meeting.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the County Commissioners and Planning & Zoning Agency members on this topic, except with compliance with Resolution 98-126, to properly notified public hearing hearings or to written communication care of St. Johns County Planning Department, P.O. Drawer 349, St. Augustine, Florida 32095.

L935 April 17, 1998