

ORDINANCE NUMBER: 2003- 8

1
⑩
4878

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL INTENSIVE (CI) AND RESIDENTIAL SINGLE FAMILY (RS-2) TO COMMERCIAL GENERAL (CG) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, John G. Metcalf, Esq., on behalf of Jack C. Arnold Jr., the owner of lands described herein, filed an application (File Number REZ 2002-21) for a zoning change dated August 27, 2002, as described hereinafter, and after required notice was published, a public hearing was held on the 28th day of January, 2002, at 1:30 p.m. 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, supporting documents, statements from the applicant, correspondence received by the Growth Management Services Department, recommendation of the Planning and Zoning Agency, and comments from the staff and applicant at the public hearing, finds as follows:

1. The request for rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning to Commercial General (CG) is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to adjacent land uses. (Objective A.1.3)
 - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
3. The rezoning to Commercial General (CG) is consistent with the St. Johns County Land Development Code.
4. The zoning district designations of Commercial General (CG) is consistent with the land uses allowed in the land use designation of Community Commercial (CC) as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application (File Number REZ 2002-21) the zoning classification of Commercial Intensive (CI) and Residential Single Family (RS-2) of the lands described within the legal description, attached as **EXHIBIT A**,

is hereby changed to Commercial General (CG).

Ordinance Book 30 Page 492

John & Let
Yvonne King
Sec Secty

SECTION 3. To the extent that they do not conflict with the specific and detailed provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any concurrency provision or impact fee ordinance, building code, Comprehensive Plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

SECTION 4. This Ordinance shall take effect upon receipt by Secretary of State.

SECTION 5. This Ordinance shall be recorded in a book kept and maintained by the by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

SECTION 6. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed maintained in the Growth Management Services Department by the Planning Director or designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 28 DAY OF January 2003.

**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: James E. Bryant
James E. Bryant, Chairman

RENDITION DATE 01-30-03

ATTEST: CHERYL STRICKLAND, CLERK

BY: Yvonne King
Deputy Clerk

EFFECTIVE DATE: February 4, 2003





Kinley-Han and Associates, Inc.
 Engineering
 Planning
 and
 Environmental
 Consultants
 E.B. No. 696
 Suite 400
 801 21st Street
 Vero Beach, Florida
 32960
 Phone: 772-562-7981
 Fax: 772-562-8689
 www.kinley-han.com

| | |
|----------|-------------------|
| DATE | 08/23/07 |
| BY | [Signature] |
| FOR | LEGAL DESCRIPTION |
| PROJECT | WALGREENS |
| LOCATION | JULINGTON CREEK |
| COUNTY | ST. JOHNS COUNTY |
| STATE | FLORIDA |

JULINGTON CREEK WALGREENS
JULINGTON CREEK
ST. JOHNS COUNTY
FLORIDA

W/A
 2 OF 2

LEGAL DESCRIPTION (BY SURVEYOR)

ALL THAT CERTAIN PIECE, PARCEL OR TRACT OF LAND SITUATE, LYING AND BEING A PORTION OF GOVERNMENT LOT 2, SECTION 30, TOWNSHIP 4 SOUTH, RANGE 27 EAST, OF THE TALLAHASSEE BASE MERIDIAN, ST. JOHNS COUNTY, FLORIDA, SAID LANDS BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS TO WIT:

COMMENCING FOR REFERENCE AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2;
 THENCE, BEARING NORTH 85°26'30" EAST, ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 2, A DISTANCE OF 773.70 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF STATE ROAD No. 13 (SAN JOSE BOULEVARD, RIGHT OF WAY WIDTH VARIES);
 THENCE, BEARING SOUTH 04°52'12" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 758.48 FEET TO A POINT;
 THENCE, BEARING SOUTH 07°24'02" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 53.52 FEET TO THE POINT AND PLACE OF BEGINNING OF THE HEREIN DESCRIBED PARCEL;
 THENCE CONTINUE SOUTHERLY ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 36.57 FEET TO A POINT;
 THENCE, BEARING SOUTH 04°51'21" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 265.52 FEET TO A POINT ON THE NORTHERLY RIGHT OF WAY LINE OF FRUIT COVE ROAD, (RIGHT OF WAY WIDTH VARIES);
 THENCE, BEARING SOUTH 70°41'56" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, A DISTANCE OF 116.54 FEET TO A POINT;
 THENCE, BEARING SOUTH 75°56'04" WEST, ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 335.72 FEET TO THE BEGINNING OF CURVE OF A NON TANGENT CURVE CONCAVE TO THE SOUTHEAST,
 SAID CURVE HAVING A RADIUS OF 109.52 FEET, A CENTRAL ANGLE OF 78°30'42" AND A CHORD DISTANCE OF 138.60 FEET BEARING NORTH 35°25'42" EAST; THENCE, LEAVING SAID RIGHT OF WAY LINE, NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 150.07 FEET TO A POINT;
 THENCE, BEARING NORTH 17°11'13" WEST, A DISTANCE OF 230.93 FEET TO A POINT;
 THENCE, BEARING NORTH 72°58'08" EAST, A DISTANCE OF 289.92 FEET TO A POINT;
 THENCE, BEARING NORTH 89°11'00" EAST, A DISTANCE OF 173.54 FEET TO A POINT; TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PREMISES CONTAIN 136,755 SQUARE FEET OR 3.140 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS, CONDITIONS AND RESTRICTIONS AS CONTAINED WITHIN THE CHAIN OF TITLE.

Use
 This
 legal for
 REZ-2007-2
 5 P.13
 [Signature]
 [Signature]
 12/3/02

This certifies that a legal description on this map has been described herein and that this legal description and map meet the minimum technical standards set forth in the Florida Professional Land Surveyors in Chapter 61G17-6, Florida Administrative Code, and the provisions of the Florida Statutes, and that this certification is in compliance with the requirements of the Florida Statutes, and the provisions of the Florida Statutes.
 Subject to all other laws and regulations.
 KURT SAUTLINGER P.S., No. 3786
 DATE: 8-23-07

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

ST. JOHNS COUNTY

Application for Rezoning

FROM CI & RS-2 TO CG

DATE: August 26, 2002

PROJECT NAME: Pharmacy

OWNER / APPLICANT: Jack C. Arnold, Jr.

ADDRESS: 6351 Washington Road, Thomson, GA 32824-9216

PHONE: (706) 595-9586 FAX: N/A

ENGINEERING FIRM: Kimley-Horn and Associates

ADDRESS: 601 21st Street, Suite 400, Vero Beach, FL 32960

PHONE: 561-562-7981 FAX: 561-562-9689

CONTACT PERSON: JOHN G. METCALF, ESQ.

PAPPAS METCALF JENKS & MILLER, P.A.

ADDRESS: 200 WEST FORSYTH STREET, # 1400, JACKSONVILLE, FL 32202

PHONE: (904) 353-1980 FAX: (904) 353-5217

PROPERTY APPRAISERS PARCEL NO. 004250-0000 and part of 004240-0000

SECTION: 30 TOWNSHIP 4 South RANGE: 27 East

CENSUS TRACT: 020800 PROPERTY APPRAISER MAP SHEET 2B30S

LOCATION: NW corner of S.R. 13 and Fruit Cove Road/Race Track Road

911 ADDRESS (if known) _____

CITY: Fruit Cove STATE Florida ZIP CODE 32259

TAZ _____ MAJOR ACCESS _____

OVERLAY DISTRICT? _____ IF YES, WHICH ONE _____

ZONE CLASS CI and RS-2 COMP. PLAN DESIGNATION Community Commercial

PRESENT USE OF PROPERTY: Former commercial nursery site - now vacant except for home on part.

WATER / SEWER: Jacksonville Electric Authority

WHO WILL MAINTAIN ROADS (if a subdivision) N/A

WHO WILL MAINTAIN DRAINAGE: Owner

TYPE OF DEVELOPMENT: Retail Pharmacy

ACRES 3.14 NUMBER OF LOTS/UNITS N/A SQ. FOOTAGE 14,560 sq.ft.

IS THE PROJECT WITHIN THE COASTAL BUILDING ZONE? YES _____ NO x

IS THE PROJECT SEAWARD OF CCCL? YES _____ NO x

PROJECT NARRATIVE (ADDITIONAL SHEETS MAY BE ATTACHED):

This zoning request is to change the zoning of an approximately 3.14 acre parcel at the northwest corner of S.R. 13 and Fruit Cove Road from CI and RS-2 to CG to accommodate a 14,560 sq. ft. pharmacy with a drive-thru window. The property is designated Community Commercial on the Future Land Use Map of the Comprehensive Plan. It is at a busy commercial intersection across the street from Eckerd Drugs and Publix shopping center. The property was used as a commercial nursery for many years.

Please list below any applications currently under review or recently approved which may assist in the review of this application: application for concurrency determination

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

Signature of owner or person authorized to represent this application:

Signature: *John G. Metcalf*
Printed or typed name(s): John G. Metcalf, Esq.

OWNER'S AUTHORIZATION FOR AGENT

Pappas Metcalf Jenks & Miller, P.A. or John G. Metcalf is hereby authorized TO ACT ON BEHALF OF Jack C. Arnold, Jr., the owner of those lands described on Exhibit "A" attached hereto, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Johns County, Florida, for an application related to a Development Permit or other action pursuant to a:

- Rezoning / Modification
- Zoning Variance
- Appeal
- Concurrency
- Special Use Permit
- Non-Zoning Variance
- Overlay District Review
- Other

By: Jack C. Arnold, Jr.
Jack C. Arnold, Jr.

State of Florida
County of St. Johns

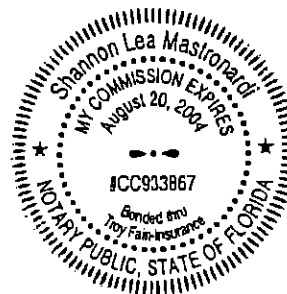
Signed and sworn before me on this 24th day of July, 2002.

By: Jack C. Arnold, Jr., Identification verified: Driver License

Oath sworn: Yes No

Shannon LeMastronardi
Notary Signature

My Commission Expires: _____



PAPPAS METCALF JENKS & MILLER

PROFESSIONAL ASSOCIATION

ATTORNEYS AT LAW

200 WEST FORSYTH STREET • SUITE 1400
JACKSONVILLE, FLORIDA 32202-4327

TELEPHONE: (904) 353-1980

TELECOPIER: (904) 353-5217

THOMAS M. JENKS
ROBERT A. LEAPLEY, JR.
JOHN G. METCALF
FRANK E. MILLER
M. LYNN PAPPAS
MARCIA PARKER TJOFLATG. TODD COTTRILL
GARY B. DAVENPORT
VICTORIA DONATO
STEVEN B. GREENHUT
THOMAS O. INGRAM
W. WILLIAM LI
KATHRYN F. WHITTINGTON

August 26, 2002

BY HAND DELIVERYTeresa Bishop
St. Johns County Planning Department
4020 Lewis Speedway
St. Augustine, Florida 32095

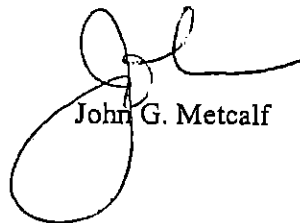
Re: Rezoning Application

Dear Teresa:

Please find enclosed 18 copies of a Rezoning Application for approximately 3.14 acres located at the corner of S.R. 13 and Fruit Cove Road. The property is currently owned by Jack C. Arnold, Jr. and is under contract for sale to Matthew Development, LLC. We are proposing to rezone this property from RS-2 and CI to CG to accommodate a retail pharmacy with drive-through window. As you know, this property is within the Community Commercial Comprehensive Plan designation and is located on the northwest corner of a busy commercial intersection. The property in the southwest corner is developed with a Publix shopping center. The property in the southeast corner is developed with the Food Lion shopping center and the property in the northeast corner is under development review for a commercial use.

If you have any questions concerning this application, please feel free to call. Matthew Development is also represented by Kimley-Horn, the project engineer.

Sincerely,




John G. Metcalf

JGM:jl

Enclosure

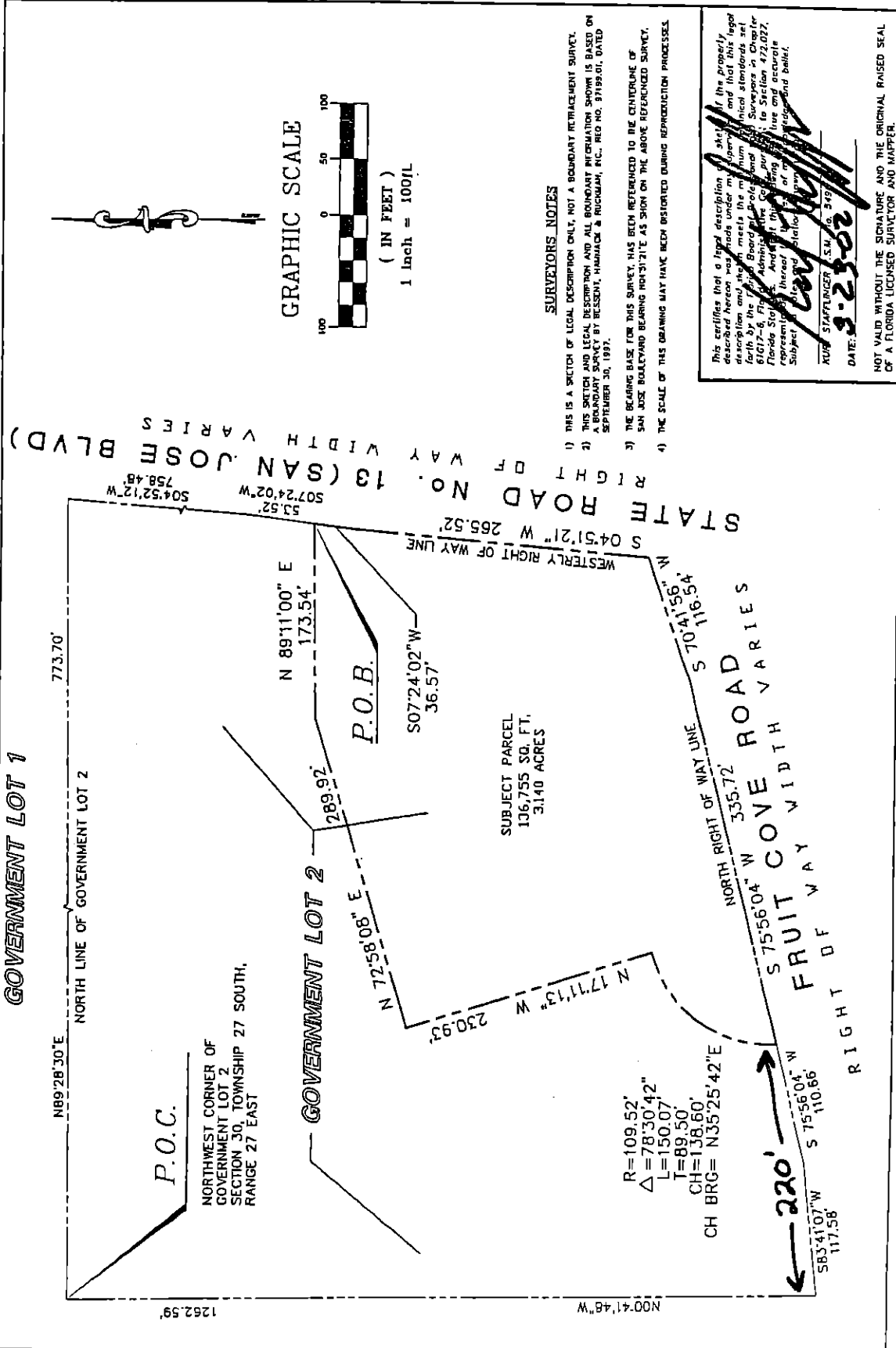
cc: Mike Levick, Esq.
Mike Williamson
Ernie Euler
Jack C. Arnold, Jr.
Jan Trantham w/o encl.

00076637.WPD.



Kinley-Horn and Associates, Inc.
 Engineering Planning and Environmental Consultants
 E.E. No. 696
 Suite 400
 601 7th Street
 Vero Beach, Florida 32980
 Phone: 561-567-7981
 Fax: 561-562-9689
 www.Kinley-Horn.com

| | |
|-----------|---------------------------|
| DATE | 8/23/02 |
| DATE | 8/23/02 |
| PROJECT | JULINGTON CREEK |
| CLIENT | JULINGTON CREEK WALGREENS |
| LOCATION | ST. JOHNS COUNTY, FLORIDA |
| SCALE | 1" = 100' |
| SHEET NO. | 1 OF 2 |



- SURVEYORS NOTES**
- 1) THIS IS A SWITCH OF LEGAL DESCRIPTION ONLY, NOT A BOUNDARY RELOCATION SURVEY.
 - 2) THIS SWITCH AND LEGAL DESCRIPTION AND ALL BOUNDARY INFORMATION SHOWN IS BASED ON A BOUNDARY SURVEY BY RESENET, HANNAHACK & RUCKMAN, INC., REG. NO. 81199.01, DATED SEPTEMBER 30, 1997.
 - 3) THE BEARING BASE FOR THIS SURVEY HAS BEEN REFERENCED TO THE CENTERLINE OF SAN JOSE BOULEVARD BEARING POSITIVE AS SHOWN ON THE ABOVE REFERENCED SURVEY.
 - 4) THE SCALE OF THIS DRAWING MAY HAVE BEEN DISTORTED DURING REPRODUCTION PROCESSES.

This certifies that a legal description of the above described parcel has been made under my supervision and that this legal description and the boundaries shown thereon are correct according to the official standards set forth by the Florida Board of Professional Surveyors and the Florida Statutes, Chapter 472, Part 6, Florida Statutes. And that this drawing is a true and accurate representation thereof by me, the undersigned, a duly licensed and bonded Professional Surveyor. Subject to the provisions of the Florida Statutes, Chapter 472, Part 6, Florida Statutes.

[Signature]
 KYLE STAFFLINGER, S.M., No. 3490
 DATE: 8-23-02

NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

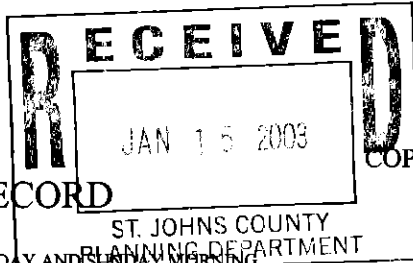
Property Owners within 300 feet of Subject Property

| | |
|--|--|
| Timothy S. and Veronica E Barnwell 1442 Fruit Cove Road N. Jacksonville, Florida 32259 | John M. and Susan E. Gostage 1487 Fruit Cove Road N. Jacksonville, Florida 32259 |
| Sharon L. Tebow Hartsell 1471 Fruit Cove Road N. Jacksonville, Florida 32259 | Claudia Carole Golden 1476 Fruit Cove Road N. Jacksonville, Florida 32259 |
| Fruit Cove Real Estate Partners 1500 Fruit Cove Road N. Jacksonville, Florida 32259 | Samuel E. Newley, Trustee 430 S.R. 13 N. Jacksonville, Florida 32259 |
| Barnett Bank of the St. Johns 425 S.R. 13 N. Jacksonville, Florida 32259 | Gate Petroleum Company S.R. 13 N. Jacksonville, Florida 32259 |

I HEREBY CERTIFY THAT THIS DOCUMENT
IS A TRUE AND CORRECT COPY AS APPEARS
ON RECORD IN ST. JOHNS COUNTY, FLORIDA
WITNESS MY HAND AND OFFICIAL SEAL
THIS 8th DAY OF April 20 03
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners



BY Robert L. Platt D.C.



COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 LINDA Y MURR,

who on oath says that she is an 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 PROPOSED REZONING

In the matter of FILE # REZ 2002-21

SR 13 PHARMACY

in the Court, was published in said newspaper in the issues of

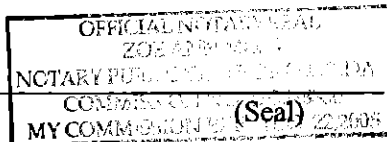
JANUARY 13, 2003

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, for a period of one year 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 13TH day of JANUARY 2003

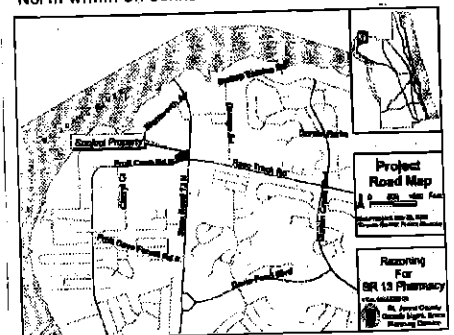
by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Notary Public] (Signature of Notary Public)



Zoe Ann Moss

NOTICE OF A PROPOSED REZONING NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, January 28, 2003 at 1:30 p.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to consider an ordinance to rezone lands from C1 & RS-2 (Commercial Intensive & Residential, Single Family) to CG (Commercial, General). The subject property is located at 332 State Road 13 North within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing. NOTICE TO PERSONS NEEDING SPECIAL ACCOMMODATIONS AND TO ALL HEARING IMPAIRED PERSONS: In accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact David Halstead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32084. For hearing impaired individuals, call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of this meeting. If a person decides to appeal any decision made 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. This matter is subject to court imposed quasi-judicial rules of procedures. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA JAMES E. BRYANT, CHAIRMAN FILE NUMBER: REZ 2002-21 SR 13 Pharmacy L112-3 Jan 13, 2003