

16  
9846

Public Records of  
St. Johns County, FL  
Clerk# 04-010986  
O.R. 2141 PG 523  
10:30AM 02/20/2004  
REC \$65.00 SUR \$8.50

ORDINANCE NUMBER: 2004-10

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL GENERAL (RG-1) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, Karen M. Taylor, on behalf of Ron Horcher, the owner of lands described herein, incorporated by reference as Exhibit "A" (legal description), filed an application, incorporated by reference as File Number REZ 2003-22 for a zoning change dated October 10, 2003, as described hereinafter, and after required notice was published, a public hearing was held on the 3rd day of February, 2004 at 1:30 p.m. on said application.

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 the general public 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 contributes to a mixture of land uses within a designated Mixed Use District (Md). (Objective A.1.9)
  - (c) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
  - (d) The proposed project is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
3. The rezoning to Commercial General (CG) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Commercial General (CG) is consistent with the land uses allowed in the land use designation of Mixed Use District (Md) as depicted on the 2015 Future Land Use Map.

Wheeler - Y. King  
BCC Secty

Ordinance Book 33 Page 492

SECTION 2. Pursuant to this application File Number REZ 2003-11 the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to Commercial General (CG).

SECTION 3. To the extent that they do not conflict with the unique, 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 the Secretary of State.

SECTION 5. This Ordinance shall be recorded in a book kept and maintained 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 3rd DAY OF February, 2004.

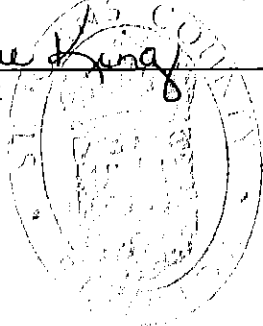
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Karen R. Stern  
Karen R. Stern, Chairperson

RENDITION DATE 02-04-04

ATTEST: CHERYL STRICKLAND, CLERK

BY: Gwenne King  
Deputy Clerk



EFFECTIVE DATE: February 9, 2004

EXHIBIT A

St. Augustine South Pt of Parcel (3)  
 Township 07, Section 31, Range 30

Tax ID: 244680-0000

Commence at permanent reference monument #4 which is shown on plat of Unit No. 4, St. Augustine South Sub-division, as recorded in Map Book 8, page 36, of the Public Records of St. Johns County, Florida; thence North 0 degrees 08 minutes East 619.8 feet to the point of beginning; thence continue North 0 degrees 08 minutes East 250.00 feet along the East right-of-way line of U. S. Highway No. 1; thence South 89 degrees 52 minutes East 288.05 feet; thence South 0 degrees 05 minutes West 250.00 feet; thence North 89 degrees 52 minutes West 288.30 feet to the point of beginning,

Point of Beginning:

2006 823.90 ↑

553 927.57 ↔

# **BONO'S PIT BAR B Q**

## **APPLICATION FOR REZONING**

### **From OR (Open Rural) to**

### **CG (Commercial General)**

**SUBMITTAL DATE:**

October 10, 2003

**Revised: November 5, 2003**

**SUBMITTED ON BEHALF OF:**

Ron Horcher  
Manna Provision  
P.O. Drawer 40367  
Jacksonville, FL 32203  
904.768.0596 / fax 904.764.5269

**AUTHORIZED AGENT FOR THE APPLICANT**

Karen M. Taylor, Land Planner  
3070 Harbor Drive  
St. Augustine, Florida 32084  
(904) 826-0600 / Fax: (904) 825-4180

**EXHIBITS**

EXHIBIT A	Legal Description / Survey
EXHIBIT B	Location Map
EXHIBIT C	Authorization
EXHIBIT D	Proof of Ownership (Deed)
EXHIBIT E	Adjacent Property Owners
EXHIBIT F	Statement of Facts for Requested Change

**Parcel ID # 244680-0000**

St. Johns County Growth Management Services Department Planning Division

P.O. Drawer 349, 4020 Lewis Speedway St. Augustine, Florida 32095 Phone: 904 823-2480 Fax: 904 823-2498 E-mail: plandept@co.st-johns.fl.us

APPLICATION FOR REZONING

Date October 10, 2003 File Number Receipt Number

- 1. Project Name Bono's Pit Bar B O
2. Applicant's Name, Address, and Phone No. Ron Horcher Manna Provision PO Drawer 40367 Jacksonville, FL 32203
3. Owner's Name, Address, and Phone No Ruth Shugart, 2214 Shore Drive St. Augustine, FL 32086
4. Property Location 2420 US 1 South
5. Legal Description See Exhibit A
6. Present Use of Property Vacant
7. Parcel ID Number 244680-0000
8. Current Zoning RG-1 (Residential General One)
9. 2015 FLUM designation Mixed Use
10. Section 31 11. Township 7 South 12. Range 30 East
13. Requested Change: Rezone parcel from RG-1 (Residential General) to CG (Commercial General) to allow for 3,500 sq ft restaurant with drive thru service
14. Is Concurrency review required? Yes
15. Zoning Map Page # SE/31N
16. Size of Property 1.68 acres
17. Utility Provider St. Johns County Utility Department
18. Provide all of the following:
a. List of adjacent property owners within 300 feet of the parcel to be rezoned showing name, address and brief legal description from current tax rolls. Address two legal size envelopes to each property owner on the list. Do not include a return address. Each envelope must contain proper postage. The order of the envelopes must match the order in which the names appear on the list.
b. Proof of ownership (deed or certificate by lawyer or abstract company or title company that verifies record owner as above). If the applicant is not the owner, a letter of authorization from the owner(s) for applicant to represent the owner for all purposes related to this application must be provided.
c. Legal description
d. Location Map (attach as Exhibit C and provide as specified in attached guidelines) and Text as required by Section 5.03.02.G of the Land Development Code.
d. Eighteen (18) copies of the complete application.
e. Application Fee. (A pre-application review fee may also be required.)

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT: Signature of owner(s) or authorized person if owner's authorization form is attached:

Printed or typed name(s): Karen M. Taylor, Land Planner

Signature(s): [Handwritten Signature]

ADDRESS AND CONTACT INFORMATION OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION Name: Karen M. Taylor, Land Planner Mailing Address: 3070 Harbor Drive, St. Augustine, FL 32084 Phone: 904/826-0600 FAX: 904/825-4180 E-mail: ktaylor@aug.com



**EXHIBIT C  
AUTHORIZATION**

OR2141 PG 529

**Owner's Authorization For Agent**

Karen Taylor is hereby authorized TO ACT ON BEHALF OF Ronald Horcher the owner(s) of those lands described within the attached application, 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:

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Rezoning / Modification | <input checked="" type="checkbox"/> Special Use Permit |
| <input type="checkbox"/> Zoning Variance                    | <input type="checkbox"/> Non-Zoning Variance           |
| <input type="checkbox"/> Appeal                             | <input type="checkbox"/> Overlay District Review       |
| <input checked="" type="checkbox"/> Concurrency             | <input type="checkbox"/> Other                         |

BY: Ronald N. Horcher  
Signature of Owner

Ronald N. Horcher  
Print Name

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Print Name  
904-273 6631  
Telephone Number

State of Florida  
County of St. Johns

Signed and sworn before me on this 16<sup>th</sup> day of Sept. 2003

By Ronald N. Horcher

Identification verified: known

Oath sworn: Yes No

Nora L. Forrester  
Notary Signature

My Commission expires: Aug 10, 2004

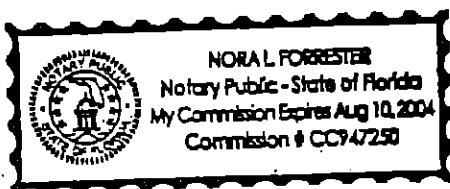


EXHIBIT C  
AUTHORIZATION

OR 2141 PG 530

Owner's Authorization For Agent

Ron Horcher is hereby authorized TO ACT ON BEHALF OF  
Ruth K. Shugart, the owner(s) of those lands described within the  
attached application, 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:

- |                                     |                         |                          |                         |
|-------------------------------------|-------------------------|--------------------------|-------------------------|
| <input checked="" type="checkbox"/> | Rezoning / Modification | <input type="checkbox"/> | Special Use Permit      |
| <input type="checkbox"/>            | Zoning Variance         | <input type="checkbox"/> | Non-Zoning Variance     |
| <input type="checkbox"/>            | Appeal                  | <input type="checkbox"/> | Overlay District Review |
| <input checked="" type="checkbox"/> | Concurrency             | <input type="checkbox"/> | Other                   |

BY: Ruth K. Shugart  
Signature of Owner  
Ruth K. Shugart  
Print Name

\_\_\_\_\_  
Signature of Owner  
\_\_\_\_\_  
Print Name

904-794-0720  
Telephone Number

State of Florida  
County of St. Johns

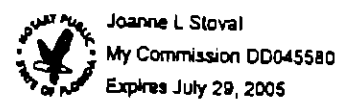
Signed and sworn before me on this 18<sup>th</sup> day of September, 2003

By Ruth K. Shugart

Identification verified: FL Drivers Lic. S263-778-44-964

Oath sworn: Yes  No

Joanne L. Stoval  
Notary Signature



My Commission expires: July 29, 2005

EXHIBIT D  
PROOF OF OWNERSHIP

OFF REC 167 PAGE 446

70 1521

SPECIAL WARRANTY DEED

THIS INDENTURE, made this 4<sup>th</sup> day of February, A. D., 1969, between GULF OIL CORPORATION, a corporation existing under the laws of the State of Pennsylvania, having an office in the Gulf Building, in the City of Pittsburgh, County of Allegheny, State of Pennsylvania, as party of the first part, and RUTH VIRGINIA KENT, of St. Johns County, Florida, as party of the second part,

W I T N E S S E T H:

That the party of the first part, for and in consideration of the sum of One Hundred and No/100 Dollars (\$100.00) and other valuable considerations paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and does by these presents grant, bargain, sell and convey to the party of the second part, her heirs and legal representatives, the following described land situate, lying and being in Section 31, Township 7 South, Range 30 East, in the County of St. Johns, State of Florida, described as follows:

DESCRIPTION APPROVED  
*[Signature]*

Commence at permanent reference monument #4 which is shown on plat of Unit No. 4, St. Augustine South Sub-division, as recorded in Map Book 8, page 36, of the Public Records of St. Johns County, Florida; thence North 0 degrees 08 minutes East 619.8 feet to the point of beginning; thence continue North 0 degrees 08 minutes East 250.00 feet along the East right-of-way line of U. S. Highway No. 1; thence South 89 degrees 52 minutes East 288.05 feet; thence South 0 degrees 05 minutes West 250.00 feet; thence North 89 degrees 52 minutes West 288.30 feet to the point of beginning,

subject, however, to deed restrictions as contained in Warranty Deed from South Venice Corporation to Gulf Oil Corporation, dated August 28, 1957, recorded in Deed Book 239, Page 171, St. Johns County, Florida Public Records, said deed restrictions reading as follows:

1. The land is restricted to retail business and residential purposes, including motels, hotels and gasoline service stations. Usage is specifically prohibited for industrial purposes, for manufacturing, or any purpose constituting a nuisance.

STATE OF FLORIDA  
DOCUMENTARY  
STAMP TAX  
\$3.50  
APR 13 1970

ST. JOHNS COUNTY  
STATE OF FLORIDA  
DOCUMENTARY STAMP TAX  
APR 17 1970  
COMPTROLLER  
PB 124133  
1380

DEF REC 167 PAGE 447

2. Easements and rights of way are hereby expressly reserved for the creation, construction and maintenance of utilities, such as gas, water, telephone, telegraph, electricity, sewers, storm drains and land drains, public, quasi-public and private, as well as for any public, private or quasi-public utility or function deemed necessary and/or expedient by the seller for the public health and welfare. Such easements and rights of way shall be confined to the rear five (5) feet of every plot, and five (5) feet along every street.

3. Plans and specifications for all buildings, as well as accessory buildings, must be submitted to the Sellers, or its duly authorized agent, for written approval prior to the commencement of any construction. It is understood and agreed, however, that any standard service station plans and specifications in current use by the Grantee herein will be acceptable and approved.

4. No husbandry of either animals or fowls shall be conducted or maintained upon the property; provided, however, that house pets only shall be excluded from this restriction.

The above restrictions shall operate as covenants running with the land through December 31, 1975.

TO HAVE AND TO HOLD, the said bargained premises with all and singular the rights, members and appurtenances thereof to the same in any manner belonging, to the own proper use, benefit and behoof of the said party of the second part forever, in FEE SIMPLE.

And the said Gulf Oil Corporation will warrant and forever defend the right and title to the property described herein unto the said party of the second part, her heirs and legal representatives, against the lawful claims of all persons claiming by, through or under said Gulf Oil Corporation.

IN WITNESS WHEREOF, the party of the first part has caused these presents to be duly executed in its name and its corporate seal

OFF REC 167 PAGE 448

to be hereto affixed, attested by its Assistant Secretary, the date first above written.

Signed and sealed in the presence of:

Ch. Barrentine

Lawrence K. Colbert

GULF OIL CORPORATION

BY: W. H. Harris  
Vice President, Gulf Oil Company - U. S., a Division of Gulf Oil Corporation

APPROVED As To Form

ATTEST:

J. D. ...  
Assistant Secretary  
Gulf Oil Corporation

Content conforms to approval

FLA. (G)  
8/8/68

OFF REC 167 PAGE 449

STATE OF GEORGIA }  
COUNTY OF FULTON }

I hereby certify that on this day before me, a Notary Public duly authorized in the State aforesaid and in the County aforesaid to take Acknowledgments, personally appeared M. G. FARRIS and J. D. MARQUIS, to me known and known to be the persons described in and who executed the foregoing instrument as Vice President of Gulf Oil Company - U. S., a Division of Gulf Oil Corporation, and Assistant Secretary of Gulf Oil Corporation, respectively, of the Corporation named therein, and severally acknowledged before me that they executed the same as such officers in the name and on behalf of Gulf Oil Corporation.

WITNESS my hand and official seal in the County and State as aforesaid this 4<sup>th</sup> day of February, A. D., 19 69.

W. W. Maxwell  
Notary Public

My Commission Expires:

Notary Public, DeKalb County, Georgia  
My Commission Expires Aug. 6, 1972



FILED AND RECORDED IN  
PUBLIC RECORDS OF  
ST. JOHNS COUNTY, FLA.

APR 13 12 48 PM '70

Oliver L. ...  
CLERK CIRCUIT COURT

VERIFIED BY  
MRS

EXHIBIT E  
ADJACENT PROPERTY OWNERS

OR 2141 PG 535

135110 0000  
& Theresa Coomes  
P.O. Box 175  
St. Augustine, FL 32085

162380 0000  
Jerry & Daphne Cameron  
518 Gentian Rd  
St. Augustine, FL 32086

162390 0000  
Raymond A & Anna Lee Hall  
2425 Highway 1 S  
St. Augustine, FL 32086

162410 0010  
McDonald's Corporation  
38 Hope Street  
St. Augustine, FL 32084

162410 0050  
New Craft Inc  
13609 Emerald Cove Crt  
Jacksonville, FL 32225

226940 0000  
David & Patricia L Robinson  
276 Cornell Rd  
St. Augustine, FL 32086

226940 0879  
Gerald & Deborah Riddle  
272 Cornell Rd  
St. Augustine, FL 32086

226950 0000  
James T & Mary Irene Rosemond  
266 Cornell Rd  
St. Augustine, FL 32086

226960 0000  
Raymond S & Judith G Arruda  
260 Cornell Rd  
St. Augustine, FL 32086

226960 0886  
Roland H Fleming  
258 Cornell Rd  
St. Augustine, FL 32086

226970 0000  
Mary Joann Coyne Trustee  
254 Cornell Rd  
St. Augustine, FL 32086

266980 0000  
Geo E & Blanca Fonesca Balbi  
14205 Roosevelt Ave  
Flushing NY 11354

226990 0000  
Louis C & R Elizabeth Wise  
Box 363  
St. Augustine, FL 32085

22700 0000  
Margaret R Johnson  
242 Cornell Rd  
St. Augustine, FL 32086

22700 8960  
Ana P Green  
238 Cornell Rd  
St. Augustine, FL 32086

227050 0000  
John E & Lavina Signh  
239 Cornell Rd  
St. Augustine, FL 32086

227060 0000  
Lawrence & Adela Wheeler  
12 Talavera Court  
St. Augustine, FL 32086

227060 0912  
Ora M Kirkland Living Trust  
251 Cornell Rd  
St. Augustine, FL 32086

227080 0000  
Erven Helen R Van  
P.O. Box 1943  
St. Augustine, FL 32085

227080 0918  
Cecellia P Dyess  
261 Cornell Rd  
St. Augustine, FL 32086

227090 0000  
John E & Donna J McRorie  
265 Cornell Rd  
St. Augustine, FL 32086

227100 0000  
Jose P Crespo  
2365 Deerwood Lane  
St. Augustine, FL 32084

244675 0081  
Burkhardt Properties Inc  
P.O. Box 438  
St. Augustine, FL 32085

244675 0083  
St. Johns Real Estate Holdings  
P.O. Box 438  
St. Augustine, FL 32085

244680 0000  
Ruth K Shugart  
2214 Shore Drive  
St. Augustine, FL 32086

244680 0100  
Herbert R Nicholas  
2440 US 1 South  
St. Augustine, FL 32086

244690 0000  
Henry N Leduc  
121 Creekside Drive  
St. Augustine, FL 32086

244790 0000  
Frank Ashdji  
36 Marshview Drive  
St. Augustine, FL 32080

**EXHIBIT F**  
**STATEMENT OF FACTS FOR REQUESTED CHANGE**

October 10, 2000  
 Revised November 5, 2003

This request is to rezone 1.68 acres of property on the east side of U.S. One from Residential General 1 (RG-1) to Commercial General (CG) to allow for a restaurant. The property is currently vacant. The subject property is basically the last remaining undeveloped parcel along this section of U.S. One. It is heavily treed. It is located north of the Matanzas River Animal Hospital, Sharkey's and the new Sport's Bar, south of Burkhardt Nursery, and across the street from the Food Lion shopping center. St. Augustine South, a single-family residential neighborhood is to the east.

As indicated, three of the boundaries relate to other commercial activities and the eastern boundary of the site consists of a drainage ditch, which separates the site from the single-family residential neighborhood. The site is described by the Legal Description and indicated on the Survey, both attached as Exhibit A. As the site is 1.68 acres in size and located within the Mixed Use District as designated on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan, the applicant is requesting a standard zoning of CG (Commercial General).

**A. Development of the subject property is consistent with the St. Johns County Comprehensive Plan as follows:**

1. **Land Use:** The Property, described by the attached Exhibit A- Legal Descriptions, is within a Mixed Use Area as designated on the Future Land Use Map of the St. Johns County Comprehensive Plan. Mixed Use areas are appropriate for this zoning request as described within *Objective A.1.9 Mixed Use Development*, which provides that the "County shall provide a mixture of land uses with designated Mixed Use Districts to encourage large concentrated areas of commercial, office, light industrial, residential, recreation, and cultural facilities at a scale which is capable of serving large segments of the County and the region" and subsequent Policies, including *Policy A.1.9.1* that allows for "all land uses" as provided for in the County Comprehensive Plan and County Land Development Regulations. This rezoning upholds *Objective A.1.22 Control of Urban Sprawl*, which provides that the "County shall control urban sprawl, characterized by leapfrog development, strip development and low-density residential use over a large area" The allowable uses provided for within the rezoning request are also supported by *Objective A.1.11 Provision of Efficient, Compact Development*, and subsequent *Policy A.1.11.3*, which establishes the intensity and bulk of types of non-residential development and impervious surface ratios.

The proposed use is an allowable use within both the St. Johns County Comprehensive Plan and the Land Development Code. The change to Commercial General (CG) for a restaurant is consistent with the surrounding area and compatible with the surrounding uses. This rezoning application promotes the efficient, compact and mixes of uses with the Mixed Use area as intended by the St. Johns County Comprehensive Plan by establishing the specific zoning category of Commercial General (CG) along U.S. One consistent with the other commercial uses. Besides the LDC requirements for buffers and fencing, the drainage ditch along the entire rear boundary will also act as a buffer and will shift development of the site, closer to U.S. One and

separated from the residential neighborhood. This zoning category promotes orderly, compact and mixed development as called for by the St. Johns County Comprehensive Plan, but also establishes an appropriate buffer and scale for future development along U.S. One.

Additionally, the subject property meets the intent of the Comprehensive Plan to provide commercial services and business within concentrated areas, which will be easily accessible to nearby residential development areas, without directly accessing the residential neighborhood. It will promote infill development in an existing developed areas. The development will be served by central water and sewer facilities; and will conform to the required buffers and separation as provided for within the St. Johns County Land Development Code.

**2. Compatibility:** The proposed uses are compatible with the area and the overall community and meet the criteria established within *Objective A.1.3 Surrounding Land Use*, which states that:

"When a rezoning is considered, the County shall ensure compatibility of adjacent and surrounding land uses. Land uses, as defined in Chapter 163, Part II, Florida Statutes (Growth Management Act), include but are not limited to permitted uses, structures and activities allowed within the land use category or implementing zoning district. Compatibility means a condition in which land uses can co-exist over time such that no use is unduly negatively impacted by another use. The compatibility of land uses is dependent on numerous characteristics, which may impact adjacent or surrounding uses. These include, but are not limited to: type of use, density, intensity, height, general appearance and aesthetics, odors, noise, smoke, dust, vibration traffic generation, sanitation, litter, drainage, fire risk, air quality, protection of Listed Species or Essential Habitat, maintenance of public infrastructure, availability of potable water, sanitary sewer and other necessary public services and nuisances."

It would appear that the surrounding uses do meet the criteria within the previous Objective, within Policy A.1.3.12, whereby the County must determine whether the request is compatible as follows:

"A rezoning request may be approved only upon determination that the application and evidence presented establish that all the proposed permitted uses are compatible with conforming land uses located on adjacent properties."

Adjacent land uses surrounding this property would be deemed compatible. They include a number of restaurants and a tire store to the South, which are zoned Commercial General (CG) or Planned Special Development (PSD), the highway (U.S. One) and a commercial shopping center with a grocery store, restaurants and convenience store zoned PUD to the west, and other fairly intense commercial uses along U.S. One as well as retail plant nursery to the north. The parcels to the east, which are adjacent to the site, are single family residential and in addition to the wetlands & ditch, a buffer will be required in accordance with the Land Development code to fulfill the compatibility requirements.

Therefore, the proposed use of the property is compatible with the area and the uses on the adjacent properties and is in conformance with the criteria established within the Comprehensive Plan whereby:

- a. The permitted uses will not have an unreasonable incompatible impact on the contiguous and surrounding area;

- b. The proposed traffic flow for the permitted uses will not have an unreasonable impact on the contiguous or surrounding areas or an unreasonable impact on the wear and tear of any public roadway;
- c. The proposed permitted uses will not cause a public nuisance; and,
- d. The proposed permitted uses, structures and activities within the Commercial General (CG) category are allowable within the Future Land Use Designation of Mixed Use.

It should be noted that this change is to rezone the property from Residential General One (RG-1) to Commercial General (CG), which is a similar or less intense commercial category than many of the properties in the vicinity.

The site will be buffered from the residential properties to the east by vacant property, by the ditch area and the required landscape buffer, which will help to absorb any potential nuisance activities or noise. These buffers and setbacks for the development will conform to the current Land Development Code (LDC) standards.

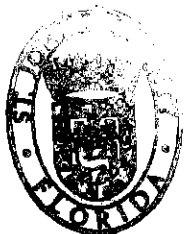
**3. Concurrency:** The rezoning for the property is consistent with *Objective A.1.2* Control of Urban Sprawl, specifically *Policy A.1.2.1* which states "The County shall only issue development orders or development permits consistent with the provision of the County's Concurrency Management System, as provided in Objective J.1.5," as the property has a valid Certificate of Concurrency. In addition, the Land Development Code provides that properties can be rezoned only upon receipt of the Certificate for at least one-third of the developments projected traffic. As noted, the property has a Concurrency Certificate demonstrating available trips and capacity for the anticipated uses.

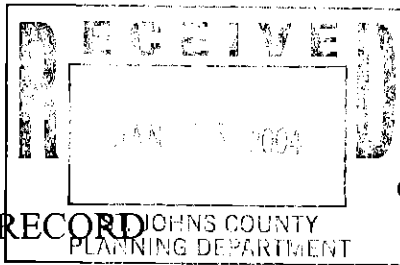
**B. The subject project will meet the criteria required for Commercial General (CG) uses as outlined within Section 2.02.02 (E) of the Land Development Code and site development criteria as established within Section 6.01.00.**

**C. The subject project will meet all requirements of applicable general zoning, subdivision and other regulations and meet all the requirements of the Land Development Code, including required buffers and separation.**

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 19<sup>th</sup> DAY OF February, 2004  
 CHERYL STRICKLAND, CLERK  
 Ex-Officio Clerk of the Board of County Commissioners

BY: L. Wance King 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 MURRAY 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 2003-22

BONO'S PIT BQ 2420 US 1 SOUTH

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

JANUARY 14, 2004

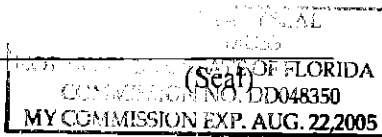
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 14TH day of JANUARY 2004 by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Notary Public]

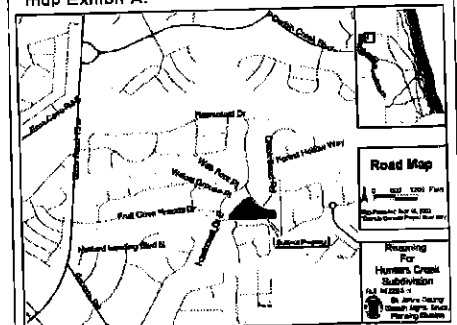
(Signature of Notary Public)

Zoe Ann Moss



NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, February 3, 2004 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 rezone property from Open Rural (OR) to Residential, Single Family (RS-3). The subject property is located at 2455 Hawkcrest Dr. E within St. Johns County, Florida. See attached map Exhibit A.



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 procedure. It is anticipated that one or more County Commissioners may attend this meeting. 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 KAREN STERN, CHAIR FILE NUMBER: REZ 2003-19 Hunters Creek Subdivision L79-4 Jan. 14, 2004



FILED

STATE OF FLORIDA  
DEPARTMENT OF STATE

FEB 11 PM 12:33  
CHERYL STRICKLAND  
CLERK COUNTY COMMISSION  
ST. JOHNS COUNTY FL

**JEB BUSH**  
*Governor*

**GLENDA E. HOOD**  
*Secretary of State*

February 9, 2004

Honorable Cheryl Strickland  
Clerk to Board of Commissioners  
St. Johns County  
Post Office Drawer 300  
St. Augustine, Florida 32085-0300

Attention: Yvonne King  
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated February 6, 2004 and certified copy of St. Johns County Ordinance No. 2004-10, which was filed in this office on February 9, 2004.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud  
Program Administrator

LC/mp

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