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71

Public Records of
St. Johns County, FL
Clerk# 04-027797
O.R. 2178 PG 1137
10:23AM 04/16/2004
REC \$61.00 SUR \$8.00

ORDINANCE NUMBER: 2004-18

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL INTENSIVE (CI); 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, Jerod Meeks, the owner of lands described herein, incorporated by reference as Exhibit "A" (legal description), filed an application, incorporated by reference as File Number REZ 2003-25 for a zoning change dated November 26, 2003, as described hereinafter, and after required notice was published, a public hearing was held on the 23rd day of March, 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 Intensive (CI) 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 Intensive (CI) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Commercial Intensive (CI) 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.

Jerod Meeks - Y. King
BCC Secty

SECTION 2. Pursuant to this application File Number REZ 2003-25 the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to Commercial Intensive (CI).

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 23rd DAY OF March 2004.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Karen R. Stern
Karen R. Stern, Its Chair

RENDITION DATE 03/30/04

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: April 1, 2004

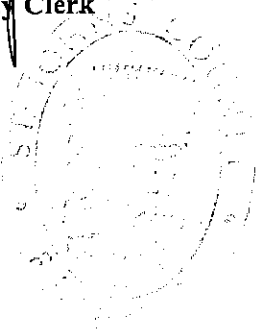


EXHIBIT A

DESCRIPTION BY SURVEYOR

A PARCEL OF LAND SITUATED IN SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

BEGIN AT THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 207 (A 145-FOOT RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY LINE OF HILLTOP ROAD (A 60-FOOT RIGHT-OF-WAY); THENCE N 36°32'08" E 251.79 FEET TO THE CENTERLINE OF A 40-FOOT DRAINAGE EASEMENT; THENCE S 52°22'52" E ALONG SAID CENTERLINE 147.99 FEET TO AN ANGLE POINT IN SAID CENTERLINE; THENCE S 17°29'52" E ALONG SAID CENTERLINE OF A 40-FOOT DRAINAGE EASEMENT 418.56 FEET; THENCE S 67°11'18" W 250.88 FEET TO THE SAID EASTERLY RIGHT-OF-WAY LINE OF HILLTOP ROAD; THENCE N 22°48'42" W ALONG SAID EASTERLY RIGHT-OF-WAY LINE 417.10 FEET TO THE POINT OF BEGINNING.

THE AFOREDESCRIBED PARCEL CONTAINS 3.01 ACRES MORE OR LESS.

THE BASIS OF BEARING FOR THE AFOREDESCRIBED PARCEL IS THE SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 207 WHOSE ASSUMED BEARING BEARS N 36°32'08" E.

ARNETT

HEATING AND AIR CONDITIONING

REZONING APPLICATION

SUBMITTAL DATE:

November 26, 2003

SUBMITTED ON BEHALF OF:

Jerod Meeks
P.O Box 67
83 Orange Street
St. Augustine, FL 32084
904-829-3071 / 904-824-9999 Fax

AUTHORIZED AGENT FOR THE APPLICANT:

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

ATTACHMENTS

EXHIBIT A	Legal Description
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 NUMBERS: 101570-0010, 101800-0010

RECEIVED
NOV 26 2003
ST. JOHNS COUNTY
PLANNING DEPARTMENT

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

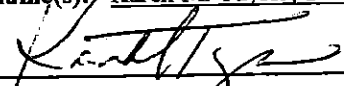
APPLICATION FOR REZONING

Date November 26, 2003 File Number _____ Receipt Number _____

1. Project Name Arnett Heating & Air Conditioning
2. Applicant's Name, Address, and Phone No. Jerod Meeks, 83 Orange Street, St Augustine FL 32177 Tel: 904.829.3071
3. Owner's Name, Address, and Phone No Eugene B Porter, Trustee P.O. Box 388 St. Augustine, FL 32085-0388
4. Property Location Corner of Hilltop Road and State Road 207 of the east side of SR 207
5. Legal Description See Exhibit A
6. Present Use of Property Vacant
7. Parcel ID Number 101600-0010, 101570-0010 8. Current Zoning OR 9. 2015 FLUM designation Mixed Use
10. Section 35 11. Township 7 South 12. Range 29 East
13. Requested Change: To rezone parcel to CI (Commercial Intensive) to provide for new offices and shop for Arnett Heating and Air
14. Is Concurrency review required? Yes 15. Zoning Map Page # 4E/35S 16. Size of Property 3.01 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): 

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: 4taylors@aug.com

EXHIBIT C AUTHORIZATION

Owner's Authorization For Agent

Jerod Meeks is hereby authorized TO ACT ON BEHALF OF Eugene Porter, 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: *Eugene B. Porter, Trustee*
Signature of Owner

EUGENE B. PORTER, TRUSTEE
Print Name

Signature of Owner

Print Name
(904) 471-2484
Telephone Number

State of Florida
County of St. Johns

Signed and sworn before me on this 2nd day of December 2003.

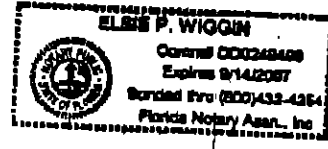
By Eugene B. Porter

Identification verified: Personally Known

Oath sworn: Yes No

Elaine P. Wiggins
Notary Signature

My Commission expires: 9/14/2007



March 22, 2001

3-15

EXHIBIT C
AUTHORIZATION

QR2178PG1143

Owner's Authorization For Agent

KAREN TAYLOR
JEROD MECKS is hereby authorized TO ACT ON BEHALF OF
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 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 type="checkbox"/> | Concurrency | <input type="checkbox"/> | Other |

BY: [Signature]
Signature of Owner

JEROD MECKS
Print Name

Signature of Owner

Print Name

(904) 829-3071
Telephone Number

State of Florida
County of St. Johns

Signed and sworn before me on this 8 day of Oct, 03

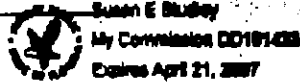
By Jerod mecks

Identification verified: personally known

Oath sworn: Yes / No

[Signature]
Notary Signature

My Commission expires:



March 22, 2001

3-15

2
2342

This Warranty Deed

Public Records of
St. Johns County
Clerk# 00-003728
O.R. 1470 PG 1169
11:12AM 01/28/2000
REC \$9.00 SUR \$1.50
Doc Stamps \$350.00

EXHIBIT D PROOF OF OWNERSHIP

Made this 30th day of December A.D. 19 99
by **EUGENE B. PORTER, AS TRUSTEE OF THE
EUGENE B. PORTER REVOCABLE TRUST UNDER
TRUST AGREEMENT DATED OCTOBER 3, 1995**

hereinafter called the grantor, to
**JOSEPHINE S. TONEY, AS CUSTODIAN FOR PAUL
SCOTT TONEY UNDER THE FLORIDA GIFTS FOR
MINORS ACT**

whose post office address is:
P O BOX 1648
BLOWING ROCK, N.C. 28605
Grantees' Tax Id # :

hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee, all that certain land situate in **ST. JOHNS** County, Florida, viz:

See **SCHEDULE "A"** attached hereto and by this reference made a part hereof.

SUBJECT TO Covenants, restrictions, easements of record and taxes for the current year.

Said property is not the homestead of the Grantor(s) under the laws and constitution of the State of Florida in that neither Grantor(s) or any members of the household of Grantor(s) reside thereon.

Parcel Identification Number: 101570-0010

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining. To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances except taxes accruing subsequent to December 31, 19 99

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in our presence:

Linda K. Brewer
Name

LINDA K. BREWER
Name

Eugene B. Porter, Trustee [LS]
Name & Address
EUGENE B. PORTER, TRUSTEE

PO BOX 388 [LS]
Name & Address
ST. AUGUSTINE, FL 32085

Nanette Brown
Name

Name & Address [LS]

Nanette Brown
Name

Name & Address [LS]

State of **Florida**
County of **St. Johns**

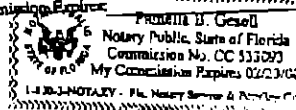
The foregoing instrument was acknowledged before me this 30th day of **December**, 19 99

by **EUGENE B. PORTER, AS TRUSTEE OF THE EUGENE B. PORTER REVOCABLE TRUST
UNDER TRUST AGREEMENT DATED OCTOBER 3, 1995**

who is personally known to me or who has produced **DRIVERS LICENSE** as identification.

Pamella B. Gesell
Notary Public

Print Name:
My Commission Expires:



PREPARED BY: **PAM GESELL**
RECORD & RETURN TO:
Independent Title of St. Augustine, Inc.
2676 U S 1 South
St. Augustine, Florida 32086
File No: 99-17604

Enfiled
WD-1
5/93

SCHEDULE "A"

A PARCEL OF LAND SITUATED IN GOVERNMENT LOT 3, SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 207 AND THE EASTERLY RIGHT OF WAY LINE OF HILLTOP ROAD AS THEY CURRENTLY EXIST; THENCE NORTH $36^{\circ}32'08''$ EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 207 (145 FOOT RIGHT OF WAY) A DISTANCE OF 251.79 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH $36^{\circ}32'08''$ EAST ALONG SAID SOUTHERLY RIGHT OF WAY LINE 436.63 FEET; THENCE SOUTH $01^{\circ}07'44''$ EAST ALONG THE WEST LINE OF ST. AUGUSTINE HEIGHTS, AS RECORDED IN MAP BOOK 10, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, AND ITS NORTHERLY EXTENSION 554.02 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT 3; THENCE SOUTH $89^{\circ}44'57''$ WEST ALONG SAID SOUTH LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 117.92 FEET TO THE CENTERLINE OF A 40 FOOT DEPARTMENT OF TRANSPORTATION DRAINAGE EASEMENT; THENCE NORTH $17^{\circ}29'52''$ WEST ALONG SAID CENTERLINE 118.76 FEET; THENCE NORTH $52^{\circ}22'52''$ WEST ALONG SAID CENTERLINE 147.99 FEET TO THE POINT OF BEGINNING. (THE BASIS OF BEARING FOR THE HEREIN DESCRIBED PARCEL IS THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 207 WHOSE ASSUMED BEARING BEARS NORTH $36^{\circ}32'08''$ EAST).

2344

This Warranty Deed

Made this 30th day of December A.D. 19 99
by JOSEPHINE B. TONEY, AS CUSTODIAN FOR PAUL
SCOTT TONEY UNDER THE FLORIDA GIFTS TO
MINORS ACT

Pub : Records of
St. Johns County, FL
Clerk# 00-003729
O.R. 1470 PG 1171
11:15AM 01/28/2000
REC \$9.00 SUR \$1.50
Doc Stamps \$350.00

**EXHIBIT D
PROOF OF OWNERSHIP**

OR2178PG1146

hereinafter called the grantor, to
EUGENE B. PORTER, AS TRUSTEE OF THE
EUGENE B. PORTER REVOCABLE TRUST UNDER
TRUST AGREEMENT DATED 10/3/95
whose post office address is: PO Box 388
St Augustine, FL 32085-
0388

Grantees' Tax Id # :

hereinafter called the grantee:

(Whenever used herein the term "grantor" and "grantee" include all the parties to this instrument and the
heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

Witnesseth, that the grantor, for and in consideration of the sum of \$ 10.00
and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises,
releases, conveys and confirms unto the grantee, all that certain land situate in ST. JOHNS
County, Florida, viz

See SCHEDULE "A" attached hereto and by this reference made a part
hereof.

SUBJECT TO Covenants, restrictions, easements of record and taxes for
the current year.

Said property is not the homestead of the Grantor(s) under the laws
and constitution of the State of Florida in that neither Grantor(s)
or any members of the household of Grantor(s) reside thereon.

Parcel Identification Number: 101600-0000

Together with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.
To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple;
that the grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants
the title to said land and will defend the same against the lawful claims of all persons whatsoever; and that said land is
free of all encumbrances except taxes accruing subsequent to December 31, 19 99

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above
written.

Signed, sealed and delivered in our presence:

Kathy Townsend
Name: _____
Witness Print Name: Kathy Townsend

Josephine B. Toney LS
Name & Address: JOSEPHINE B. TONEY
CUSTODIAN

Evelyn Sudderth
Name: _____
Witness Print Name: Evelyn Sudderth

1162 Ben Jones Dr. 332-750-4676 LS
Name & Address: Lady Lake FL 32150

Name: _____
Name & Address: _____

Name & Address: _____ LS

Name: _____
Name & Address: _____

Name & Address: _____ LS

State of NORTH CAROLINA
County of WATAUGA

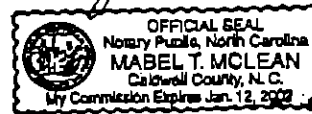
The foregoing instrument was acknowledged before me this 28th day of December, 19 99
by

JOSEPHINE B. TONEY, AS CUSTODIAN FOR PAUL SCOTT TONEY UNDER THE
FLORIDA GIFTS TO MINORS ACT

who is personally known to me or who has produced DRIVERS LICENSE as identification.

Mabel J. McLean
Notary Public: MABEL T. MCLEAN
Print Name:
My Commission Expires: Jan - 12 - 2002

PREPARED BY: PAM GESELL
RECORD & RETURN TO:
Independent Title of St. Augustine, Inc.
2676 U S 1 South
St. Augustine, Florida 32086
File No: 99-17605



DnF Post
5/99

SCHEDULE "A"

A PARCEL OF LAND SITUATED IN SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF HILL TOP ROAD (60-FOOT RIGHT OF WAY) WITH THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 207 (145-FOOT RIGHT OF WAY); THENCE SOUTH 22°48'42" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE OF HILLTOP ROAD, 2.83 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE NORTH 89°44'57" EAST ALONG THE SOUTH LINE OF THOSE LANDS OWNED BY GENE PORTER, 301.73 FEET TO THE CENTERLINE OF A 40-FOOT DRAINAGE EASEMENT; THENCE SOUTH 17°29'52" EAST ALONG SAID CENTERLINE, 299.79 FEET; THENCE SOUTH 67°11'18" WEST, 250.88 FEET TO THE SAID EASTERLY RIGHT OF WAY LINE OF HILLTOP ROAD; THENCE NORTH 22°48'42" WEST ALONG SAID EASTERLY RIGHT OF WAY LINE, 414.27 FEET TO THE POINT OF BEGINNING.

File No: 99-17604
17605

**EXHIBIT E
ADJACENT PROPERTY OWNERS**

099400 0000
Carl D and Barbara C Sheffield
855 Cherry Tree Rd
St. Augustine, FL 32086

099420 0000
John J & Nancy D Holdsworth
1400 B SR 207
St. Augustine, FL 32086

101570 0060
Lindsay Varner
624 W 16th St
St. Augustine, FL 32080

099400 0010
Lisa M and Robert L Owens
2585 St. Augustine Blvd.
St. Augustine, FL 32086

101570 0000 101570 0010
101580 0000
Eugene B Porter Trustee
P.O. Box 388
St. Augustine, FL 32085

101620 0000
K S Toney Living Trust
P. O. Box 1648
Blowing Rock, NC 28605

099400 0000
John Patrick and Gail E V
4570 Carter Rd
St. Augustine, FL 32086

101570 0040, 101600 00
Josephine S Toney Custo
P.O. Box 1648
Blowing Rock, NC 2860:

101590 0000
Fla Dept. of Transportati
P.O. Box 1089
Lake City, FL 32056

EXHIBIT F
STATEMENT OF FACTS FOR REQUESTED CHANGE
Open Rural (OR) to Commercial Intensive (CI)

The property is located on the east side of State Road 207 at its intersection with Hilltop Road and is currently vacant. It has 251 linear feet of frontage on State Road 207 and 417 linear feet along Hilltop Road and is a total of 3.01 acres in size. It is bounded by vacant property to the northeast and across Hilltop Road to the southeast, the Indian Forest Campground across State Road 207. Adjacent properties are primarily zoned Open Rural (OR) to the south and the southeast, with Industrial Warehousing (IW) to the northeast, and OR and Planned Unit Development (PUD), which is the campground, across State Road 207 to the west and southwest.

The Applicant intends to construct a facility for sales and repair of heating and air conditioning equipment and intends to maintain an accessory metal fabrication facility, which is used by the business. The Applicant, Arnett Heating and Air Conditioning, Incorporated is a long time established business, which has been located at the corner of Iberia Street and Orange Street in downtown St. Augustine. The business has served the community for over 50 years and will continue to serve the surrounding community and is one of the types of uses envisioned for the Mixed Use area. The proposed uses are allowable uses within both the St. Johns County Comprehensive Plan and within the Commercial Intensive zoning category of the Land Development Code. This property establishes the limits of the Mixed Use area.

The need and justification for approval of the Arnett Heating and Air Conditioning, Inc. rezoning application has been considered in accordance with the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan, whereby, it is found that:

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

1. Land Use: The Property, described in detail by the attached Exhibit A, Legal Description, is within a Mixed Use Area as designated on the Future Land Use Map (FLUM) of the St. Johns County Comprehensive Plan and so described within *Objective A.1.9 Mixed Use Development*, which provides that:

"The County shall provide a mixture of land uses within 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 region."

The rezoning is also supported by subsequent Policies, including *Policy A.1.9.1* that allows for "all land uses" as provided for within the County Comprehensive Plan and Land Development Regulations and *Objective A.1.9.2*, as the project does not promote strip commercial development, but incorporates an established business use within a single controlled site.

The rezoning upholds *Objective A.1.2 Control of Urban Sprawl*, *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. It is consistent with *Objective A.1.9.7* in that the project will be served by central water and sewer and *Objective A.1.9.8* in that it will provide buffers along the periphery of the development in accordance with the Land Development Code.

This rezoning application promotes efficient, compact and encourages a mix of uses within the Mixed Use Area as intended by the Comprehensive Plan by establishing the specific zoning category of Commercial Intensive (CI) along State Road 207 and establishing an appropriate scale for future development in the area. Additionally, the Commercial Intensive (CI) zoning meets the intent of the Comprehensive Plan to provide commercial services and businesses within concentrated areas, which will be easily accessible to nearby residential areas and other similarly developed properties. As indicated, the development will be served by existing central sewer and water lines and facilities, therefore negating a need for any extension of infrastructure and will conform to the required buffers and separation as provided for within the 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."

It would appear that the surrounding uses do meet the criteria within the previous Objective, and those within *Policy A.1.3.12*, which states that

"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"

This Objective and subsequent Policy establishes that the County determines whether the request is compatible, basically based upon the specific details of the individual zoning. The rezoning and development of this site will be compatible with the adjacent commercially and industrial zoned properties in the area, as well as the undeveloped properties, both through the site design and the provision of buffers and screening, which will be required by the Land Development Code. The compatibility is further enhanced by the small size of the parcel, three (3) acres, which limits the development of the more intensive uses that are allowable within the Commercial Intensive (CI) category and basically restricts those uses that would be reasonable to develop on a parcel of this size.

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 Intensive (CI) category are allowable within the Future Land Use Designation of Mixed Use.

3. Concurrency: The subject property and future project is served by a major transportation system, central water and sewer, and will provide on-site storm-water and drainage facilities that mitigate any off-site drainage impacts. This is consistent with *Objective A.1.2.1*, which states

"The County shall only issue development orders or development permits consistent with the provision of the County Concurrency Management System, as provided in *Objective J.1.5*."

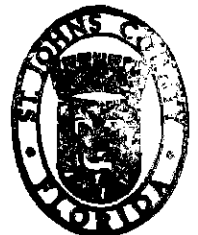
Application has been made and the development will proceed only with a valid Certificate of Concurrency indicating that there are adequate public facilities to accommodate the development. The Applicant is aware that the Certificate of Concurrency is required prior to rezoning.

B. The subject project will meet the criteria required for Commercial Intensive (CI) uses as outlined within Section 2.02.02 (G) 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.

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 14th DAY OF April 2004
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners

BY: Luanne King D.C.



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 **AMANDA BRUNK**

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 HEARING**

In the matter of **REZ 03-25 ARNETT HEATING**

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

MARCH 3, 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 **3RD** day of **MARCH** 2004

by Amanda Brunk who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist
(Signature of Notary Public)

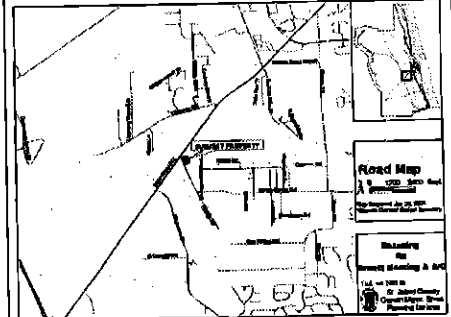


Patricia A. Bergquist
My Commission DD275981
Expires December 18, 2007

(Seal)

PATRICIA A BERGQUIST

NOTICE OF A PROPOSED REZONING
NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, March 23, 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 lands from Open Rural (OR) to Commercial Intensive (CI). The subject property is located at 1460 State Road 207 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
KAREN STERN, CHAIR
FILE NUMBER: REZ 2003-25
Arnett Heating & A/C
L502-4 Mar 3, 2004



FILED

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FLORIDA DEPARTMENT OF STATE

Glenda E. Hood

Secretary of State

DIVISION OF LIBRARY AND INFORMATION SERVICES

CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST JOHNS COUNTY FL

April 1, 2004

Ms. Yvonne King
Deputy Clerk
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Dear Ms. King:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated March 31, 2004 and certified copies of St. Johns County Ordinance Nos. 2004-18 through 2004-21, which were filed in this office on April 1, 2004.

Sincerely,

Liz Cloud
Program Administrator

LC/mp

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