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ORDINANCE NUMBER: 2009-25

Public Records of
St. Johns County, FL
Clerk # 2009026751,
O.R. 3201 PG 560-562
06/02/2009 at 04:27 PM,
REC. \$13.00 SUR. \$14.00

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, the development of the lands within this rezoning shall proceed in accordance with the application, dated July 13, 2008 in addition to supporting documents and statements from the applicant **which are a part of Zoning File REZ 2008-20 1401 SR 207**, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

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, the Board of County Commissioners, 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.1.3.12)
 - (b) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
 - (c) 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.

SECTION 2. Pursuant to this application File Number REZ 2008-20 the zoning classification of the lands described within the attached 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 19th DAY OF May 2009.

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

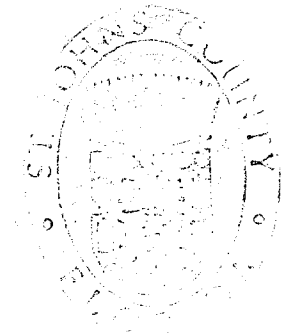
BY: Cyndi Stevenson
Cyndi Stevenson, Chair

RENDITION DATE 05-21-09

ATTEST: CHERYL STRICKLAND, CLERK

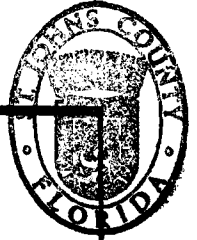
BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: 05-22-09



Legal Description

I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN THE PUBLIC RECORDS OF FLORIDA WITHIN THE COUNTY OF ST. JOHNS COUNTY, FLORIDA. WITNESS MY HAND AND SEAL OF OFFICE THIS 21ST DAY OF JUNE 2010.
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners



BY: *Wenwen King* D.C.

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:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (1/4) OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 35; THENCE N 01°14'27" E ALONG THE WEST LINE OF SAID SECTION 35 A DISTANCE OF 989.24 FEET TO THE SOUTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 815, PAGE 194 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE S 89°42'50" E ALONG SAID SOUTH LINE OF OFFICIAL RECORDS BOOK 815, PAGE 194 A DISTANCE OF 730.64 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE S 89°42'50" E ALONG SAID SOUTH LINE 548.09 FEET TO THE WEST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 238, PAGE 477 OF SAID PUBLIC RECORDS, SAID WEST LINE ALSO BEING THE EAST LINE OF GOVERNMENT LOT 3 OF SAID SECTION 35; THENCE S 01°13'10" W ALONG SAID EAST LINE OF GOVERNMENT LOT 3 A DISTANCE OF 480.04 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 207; THENCE S 37°45'00" W ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE 268.83 FEET TO THE CENTERLINE OF THAT 40 FOOT PERPETUAL EASEMENT AS RECORDED IN OFFICIAL RECORDS BOOK 1149, PAGES 1354 AND 1355 (PART "A") OF SAID PUBLIC RECORDS; THENCE N 42°34'42" W ALONG SAID CENTERLINE 202.87 FEET TO THE SOUTHEASTERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1149, PAGES 1352 AND 1353 (PART "B"); THENCE N 37°45'53" E ALONG SAID SOUTHEASTERLY LINE 279.73 FEET; THENCE N 52°14'07" W ALONG THE NORTHEASTERLY LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1149, PAGES 1352 AND 1353 (PART "B") 513.04 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH A 20 FOOT PERPETUAL INGRESS/EGRESS EASEMENT TO BE HELD BY GRANTEE OVER AND ACROSS THE WESTERLY 20 FEET OF THAT CERTAIN 40 FOOT PERPETUAL EASEMENT (HELD BY THE FLORIDA DEPARTMENT OF TRANSPORTATION) AS DESCRIBED IN OFFICIAL RECORDS BOOK 1149, PAGES 1354 AND 1355 (PART "A") OF SAID PUBLIC RECORDS AS CORRECTED BY OFFICIAL RECORDS BOOK 1206, PAGES 1760 AND 1761 OF SAID PUBLIC RECORDS.

SUBJECT TO A 20 FOOT PERPETUAL INGRESS/EGRESS EASEMENT TO BE RETAINED BY GRANTOR OVER AND ACROSS THE EASTERLY 20 FEET OF THAT CERTAIN 40 FOOT PERPETUAL EASEMENT (HELD BY THE FLORIDA DEPARTMENT OF TRANSPORTATION) DESCRIBED IN OFFICIAL RECORDS BOOK 1149, PAGES 1354 AND 1355 (PART "A") OF SAID PUBLIC RECORDS, AS CORRECTED BY OFFICIAL RECORDS BOOK 1206, PAGES 1760 AND 1761 OF SAID PUBLIC RECORDS.

AND SUBJECT TO A 40 FOOT PERPETUAL EASEMENT (HELD BY FLORIDA DEPARTMENT OF TRANSPORTATION) DESCRIBED IN OFFICIAL RECORDS BOOK 1149, PAGES 1354 AND 1355 (PART "A") OF SAID PUBLIC RECORDS AS CORRECTED BY OFFICIAL RECORDS BOOK 1206, PAGES 1760 AND 1761 (PART "A") OF SAID PUBLIC RECORDS.

AND SUBJECT TO A 20 FOOT PERPETUAL EASEMENT (HELD BY FLORIDA DEPARTMENT OF TRANSPORTATION) DESCRIBED IN OFFICIAL RECORDS BOOK 1149, PAGES 1354 AND 1355 (PART "C") OF SAID PUBLIC RECORDS AS CORRECTED BY OFFICIAL RECORDS BOOK 1206, PAGES 1760 AND 1761 (PART "C") OF SAID PUBLIC RECORDS.

AND SUBJECT TO A 20 FOOT PERPETUAL EASEMENT (HELD BY FLORIDA DEPARTMENT OF TRANSPORTATION) DESCRIBED IN OFFICIAL RECORDS BOOK 1701, PAGES 182 AND 183 OF SAID PUBLIC RECORDS.

THE AFOREDESCRIBED PARCEL CONTAINS 3.79 ACRES MORE OR LESS.

THE BASIS OF BEARING FOR THE AFOREDESCRIBED PARCEL IS THE NORTHWESTERLY RIGHT OF WAY LINE OF STATE ROAD NO. 207 WHOSE ASSUMED BEARING BEARS S 37° 45'00" W.

The St. Augustine Record

COPY OF ADVERTISEMENT

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E VERSTRAATE**

who on oath says that she is an Employee 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 **REZ2008-20 1407 SR 207**

L1429-9 was published in said newspaper **MAY 4, 2009**

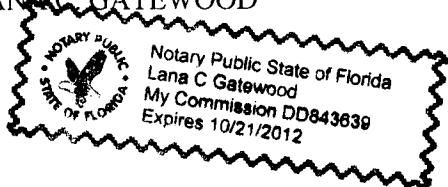
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 4th day of **MAY 2009**

by Ulinda E Verstraate who is personally known to me or who has produced **PERSONALLY KNOWN** as identification

Lana C. Gatewood

(Signature of Notary Public)
LANA C. GATEWOOD



(Seal)

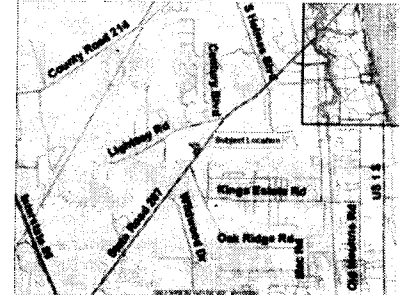
This matter is subject to court imposed quasi-judicial rules of procedures. It is anticipated that one or more County Commissioners may attend this meeting. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except with compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, 4040 Lewis Speedway, St. Augustine, Florida, 32085.
**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CYNDI STEVENSON, CHAIR
FILE NUMBER: REZ 2008-20 1407 SR 207
L1429-9 May 4, 2009**

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Tuesday, May 19, 2009 at 9:00 a.m.** by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to issue a decision on

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 (C1) OR COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located at 1407 SR 207 within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board

Interested parties may appear at the meeting and be heard with respect to the proposed request.

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 the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, 32085. 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.