

10

ORDINANCE NUMBER: 2006-7

Public Records of  
St. Johns County, FL  
Clerk # 2006011284,  
O.R. 2643 PG 343-354  
02/14/2006 at 09:28 AM,  
REC. \$49.00 SUR. \$54.50

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL WAREHOUSE (IW) 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, Mike Ashourian, the owner of lands described herein, incorporated by reference as Exhibit "A" (legal description), filed an application, incorporated by reference as File Number REZ 2005-21 for a zoning change, as approved by the Board of County Commissioners, as described hereinafter, and after required notice was published, a public hearing was held on the 27 day of Jan at 9:00 a.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 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 (MD) as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application File Number REZ 2005-21 the zoning classification  
  
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 24 DAY OF Jan. 2006.**

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

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

RENDITION DATE 01/26/06

ATTEST: CHERYL STRICKLAND, CLERK

BY: L. Vonne King  
Deputy Clerk

EFFECTIVE DATE: 02/01/06



EXHIBIT A

A parcel of land lying in and being a part of the Southeast  $\frac{1}{4}$  of Section 11, Township 5 South, Range 28 East, St. Johns County, Florida and being more particularly described as follows:

Commence at the Southeast corner of Section 11, Township 5 South, Range 28 East; thence North 01 degrees 14 minutes 10 seconds West, along the East line of said Section 11, 271.03 feet to the intersection of the Northeastery right of way line of U.S. Highway No. 1, and the West right of way line of Ray Road, said point also being the POINT OF BEGINNING; thence North 01 degrees 13 minutes 40 seconds West along said West right of way line of Ray Road, 720.87 feet to the intersection of the Westerly right of way line of Ray Road and the Southwesterly line of Old Dixie Highway; thence North 40 degrees 02 minutes 30 seconds West along said Southwesterly right of way line of Old Dixie Highway, 455.43 feet; thence South 50 degrees 44 minutes 36 seconds West, 230.56 feet; thence South 41 degrees 22 minutes 04 seconds East, 107.88 feet; thence South 48 degrees 36 minutes 54 seconds West, 242.93 feet to a point on the Northeastery right of way line of U.S. Highway No. 1; thence South 41 degrees 14 minutes 47 seconds East, along said Northeastery right of way line, 908.93 feet to the POINT OF BEGINNING.

Together with an easement across the following parcel:

A parcel of land lying in and being a part of the Southeast  $\frac{1}{4}$  of Section 11, Township 5 South, Range 28 East, St. Johns County, Florida and being more particularly described as follows:

Commence at the Southeast corner of Section 11, Township 5 South, Range 28 East; thence North 01 degrees 14 minutes 10 seconds West, along the East line of said Section 11, 271.03 feet to the intersection of the Northeastery right of way line of U.S. Highway No. 1, and the West right of way line of Ray Road, thence North 01 degrees 13 minutes 40 seconds West, along said West right of way line 720.87 feet to the intersection of the Southwesterly right of way line of Old Dixie Highway and the West right of way line of Ray Road; thence North 40 degrees 02 minutes 30 seconds West, along said Southwesterly right of way line 455.43 feet to the point of beginning; thence continue North 40 degrees 02 minutes 30 seconds West along said Southwesterly right of way line 30.00 feet; thence South 50 degrees 44 minutes 36 seconds West, 281.27 feet; thence South 41 degrees 22 minutes 04 seconds East, 109.02 feet; thence South 48 degrees 36 minutes 54 seconds West, 212.87 feet to a point of the Northeastery right of way line of U.S. Highway No. 1; thence South 41 degrees 14 minutes 47 seconds East, along said Northeastery right of way line 30.00 feet; thence North 48 degrees 36 minutes 54 seconds East, 242.93 feet; thence North 41 degrees 22 minutes 04 seconds West, 107.88 feet; thence North 50 degrees 44 minutes 36 seconds East, 230.56 feet to the POINT OF BEGINNING.



St. Johns County

Application For Rezoning

From IW To CI

Date \_\_\_\_\_

RECEIVED  
MAR 30 2005  
9:30A  
ST. JOHNS COUNTY  
PLANNING DEPARTMENT

Project Name: Atlantic Self Storage @ Ray Road

Owner/Applicant: Randall Whitfield

Address: 13947 Beach Boulevard

Suite 210 Jacksonville, FL 32224

Phone: (904) 992-9000 Fax: (904) 992-9389

E-mail Address: Randalljax@yahoo.com

Planning/Engineering Firm: Connelly & Wicker

Address: 1711 South 5th Street

Jacksonville Beach, FL 32250

Phone: (904) 249-7995 Fax: (904) 241-1126

E-mail Address: ZBRECHT@CWIENG.COM

Person to Receive Comments: Zach Brecht

Property Appraiser's Parcel No. 023840-0060

Name of Overlay District if applicable: \_\_\_\_\_

Location: 10450 U.S. 1 N St. Augustine, FL

Census Tract: 020600 Property Appraiser's Map Sheet: 3C12X Acres: 7.95

911 Address (if Known) 10450 U.S. 1 N

TAZ 138 Zone Class: IW ~~Comp. Plan DSGN~~ Mixed Use

Present Use of Property: Warehouse

Proposed Use of Property: Mixed Use

Water/Sewer Provider: St. Johns County Utilities

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

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:  
Signature of owner or person authorized to represent this application:

Signature: Randall Whitfield

Printed or typed name(s): Randall Whitfield



Owner's Authorization For Agent

Randall Whitfield is hereby authorized TO ACT ON BEHALF OF Beemer & Associates XXXVII, 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 type="checkbox"/>            | Concurrency             | <input type="checkbox"/> | Other                   |

BY:

*[Handwritten Signature]*

Signature of Owner  
Mike Ashourian

Print Name

Signature of Owner

Print Name

(904) 992-9000  
Telephone Number

State of Florida County of St. Johns

Signed and sworn before me on this 30<sup>th</sup> day of, 2000 *March*

By Mike Ashourian

Identification verified: known

Oath sworn:  Yes  No

*[Handwritten Signature]*  
Notary Signature

My Commission expires: 2/26/07



2  
3

Prepared by/When recorded return to:  
Lawrence V. Ansbacher, Esquire  
Ansbacher & Schneider, P. A.  
5150 Balford Road, Building 100  
Jacksonville, FL 32258

R 7

RECEIVED  
MAR 30 2005  
4:30 PM  
ST. JOHNS COUNTY  
PLANNING DEPARTMENT

IN BRT 04/02018

27.00  
14332.50

WARRANTY DEED

1. IDENTIFICATION OF GRANTOR

Grantor's name and address is:

MARK D. KOZAK  
3913 KENNETH CREEK LN.  
JACK, FL 32259

The word "I" or "me" as hereafter used means the Grantor.

2. IDENTIFICATION OF GRANTEE

Grantee's name and address is:

BEEVER & ASSOCIATES XXXVII, L. L. C.,  
A Florida Limited Liability Company  
13947 Beach Blvd., Suite 210  
Jacksonville, FL 32274

Grantee's tax identification number is: \_\_\_\_\_

The word "you" as hereafter used means the Grantee.

3. MEANINGS OF TERMS

The terms "I," "me," or "you" shall be non-gender specific ( (i) masculine, (ii) feminine, or (iii) neuter, such as corporations, partnerships or trusts), singular or plural, as the context permits or requires, and include heirs, personal representatives, successors or assigns where applicable and permitted.

4. DESCRIPTION OF REAL PROPERTY CONVEYED

Property hereby conveyed (the "Real Property") is described on Exhibit A attached, together with all tenements (property capable of being held with unconditional power of disposition), hereditaments (inheritable interest in property), easements (right to use land of another) and appurtenances (right used with land for its benefit) belonging to or benefiting such property.

The Property Appraiser's Parcel Identification Number is \_\_\_\_\_

5. CONSIDERATION

Good and valuable consideration plus the sum of Ten Dollars (\$10.00) received by me from you.

6. CONVEYANCE OF REAL PROPERTY

For the consideration described in Paragraph 5, I have granted, bargained and sold to you the Real Property to have and to hold in fee simple (estate in property unlimited as to duration, disposition and descendability) forever.

7. WARRANTY

02/11/05/cjm  
040802.12.a-1

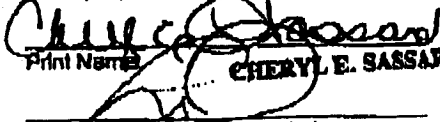
I fully warrant the title to the Real Property and will defend the same against the lawful claims of all persons whomsoever except for covenants, reservations, restrictions and easements of record if any and taxes subsequent to December 31, 2004.

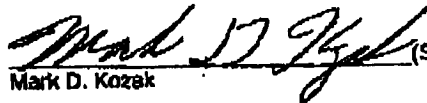
**a. NOT HOMESTEAD**

I represent and warrant that the Real Property is neither the homestead or residence of myself or a member of my family, nor is the Real Property adjacent to the homestead or residence of myself or a member of my family.

Executed on February 14, 2005 at Jacksonville, Florida.

Signed, sealed and delivered  
in the presence of:


  
Print Name: **CHERYL E. SASSARD**

 (SEAL)  
Mark D. Kozak

Print Name:  
As to Grantor **LAWRENCE V. ANSBACHER**

STATE OF FLORIDA  
COUNTY OF DUVAL

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of February, 2005 by Mark D. Kozak, who ( ) is personally known to me or (  ) produced (Florida Driver's License) as identification.

  
Notary Public, State of Florida  
My Commission Expires:



RECEIVED  
MAR 30 2005  
9:30 A.M.  
ST. JOHNS COUNTY  
PLANNING DEPARTMENT

Exhibit A

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# ST. JOHNS COUNTY, FLORIDA

Board of County Commissioners



P.O. Box 3006  
St. Augustine, Florida 32085-3006  
Phone: (904) 471-2101 • Fax: (904) 481-7819

Date 3/19/05

WATER OR WATER AND SEWER AVAILABILITY FOR THE SERVICE AREAS  
MAINTAINED BY THE ST. JOHNS COUNTY UTILITY DEPARTMENT.

NAME OR TYPE OF DEVELOPMENT: ATLANTIC SELF STORAGE  
100 800 SQ. FT. / CURB CONTROLLED SELF STORAGE

SERVICE LOCATION: 911 ADDRESS: 10450 US-1 NORTH

LEGAL DESCRIPTION AS APPLICABLE: SUBDIVISION: NA  
LOT: \_\_\_\_\_ BLOCK: \_\_\_\_\_ PARCEL I.D. # (PIN): 023040-0040  
PARCEL: 9-6 SECTION: 11 TOWNSHIP: 5 RANGE: 28

SERVICE AVAILABILITY WITHIN EXISTING INFRASTRUCTURE: SEE EXHIBIT "A"

- WATER CAPACITY IS AVAILABLE FOR:
  - RESIDENTIAL  COMMERCIAL - PLATTED AND/OR DEVELOPED PROPERTY
- WATER AND SEWER CAPACITY IS AVAILABLE FOR:
  - RESIDENTIAL  COMMERCIAL - PLATTED AND/OR DEVELOPED PROPERTY

COMMENTS: \_\_\_\_\_

CAPACITY AVAILABILITY OUTSIDE EXISTING INFRASTRUCTURE:

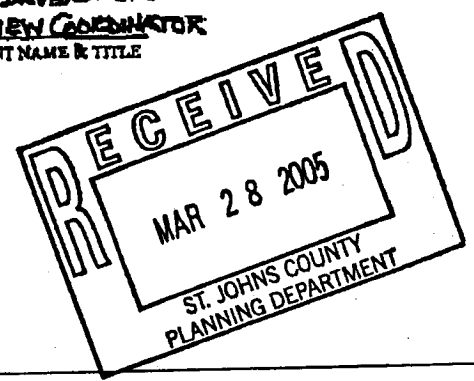
- WATER CAPACITY IS AVAILABLE FOR THE PROPOSED:
  - RESIDENTIAL  COMMERCIAL - DEVELOPMENT
- WATER AND SEWER CAPACITY IS AVAILABLE FOR THE PROPOSED:
  - RESIDENTIAL  COMMERCIAL - DEVELOPMENT

COMMENTS: AN ON-SITE OWNER INSTALLED AND MAINTAINED GRINDER PUMP LIFT STATION WILL BE REQUIRED TO ACCESS THE SEWER FORCE MAIN THAT IS LOCATED WITHIN THE RIGHT OF WAY OF RAY ROAD.

- NON AVAILABILITY:
- WATER SERVICE IS NOT AVAILABLE
  - SEWER SERVICE IS NOT AVAILABLE
- THE AVAILABILITY OF CAPACITY IS VALID FOR (90) DAYS FROM THE DATE OF THIS LETTER.
  - ALL NECESSARY FEES MUST BE PAID TO GUARANTEE A SPECIFIC NUMBER OF EQUIVALENT RESIDENTIAL CONNECTIONS (ERC'S) PURSUANT TO SECTION 19 OF COUNTY ORDINANCE 01-25.

  
SIGNED FOR THE UTILITY DEPARTMENT

LARRY V. DIVER PORT  
UTILITY REVIEW COORDINATOR  
TYPE OR PRINT NAME & TITLE



Mar 21 05 09:37a

Connelly & Wicker Inc.

(904) 241-1126

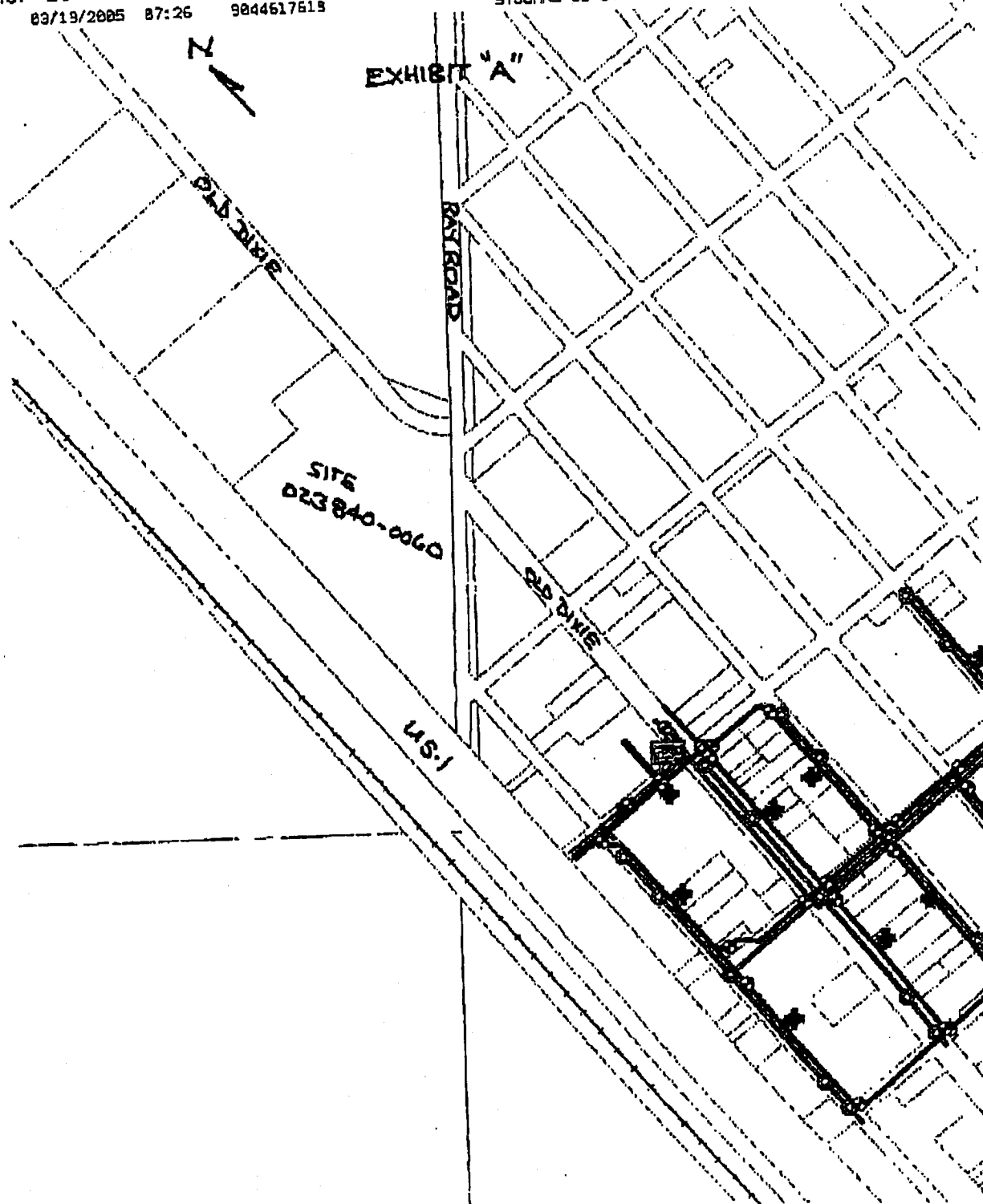
P. 3

03/19/2005 07:26

9044617619

STJOHNS CO UTILITY

PAGE 03/03





**DECISION GRANTING**  
**FINAL CERTIFICATE OF CONCURRENCY WITH CONDITIONS**

**RE: ATLANTIC SELF-STORAGE (US 1 & RAY RD.)**  
**Beemer & Assoc. XXXVII, LLC**  
**13947 Beach Blvd., Suite 210**  
**Jacksonville, FL 32224**

**FILE NUMBER: CONMIN 2005-04**

Upon review of the application made by Randall Whitfield for a final concurrency determination pursuant to Part 11.03, St. Johns County Land Development Code, Ordinance No. 99-51 ("Ord. No. 99-51"), for the project known as Atlantic Self-Storage legally described on Exhibit A and generally depicted on Exhibit B, which exhibits are attached hereto, incorporated and made a part hereof, the Director of Planning decides as follows:

1. Based on the Findings of Fact listed on Exhibit C, attached hereto, incorporated and made a part hereof, the application for a Final Certificate of Concurrency is granted with conditions, pursuant to Section 11.03.02.B, Ord. No. 99-51, for the development of 100,800 square feet of mini-warehouse space located on the property described on Exhibit A and shown on Exhibit B, attached hereto, conditioned upon the following:
  - (1) The applicant providing a copy of the Florida Department of Environmental Protection permits necessary for connection to central water and wastewater service prior to Construction Plan approval;
  - (2) The applicant obtaining approval of engineered Construction Plans through the St. Johns County Development Review Committee prior to commencement of construction;
  - (3) The payment of all applicable connection fees to St. Johns County Utilities for connection to central water and wastewater service prior to issuance of a Building Permit; and
  - (4) Compliance with all other applicable federal, state, regional, and local land development regulations in effect at the time of permitting.

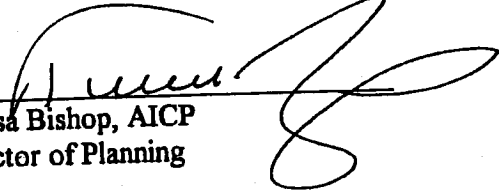
T:\CONCURRENCY\FCOC Minor\COCCONMIN 2005-04.doc

2. The concurrency determination granted herein shall remain in effect for two (2) years pursuant to Section 11.03.02.B and its subparts, and Section 11.03.03 and 11.03.05 of Ord. No. 99-51, and will expire on April 14, 2007, unless the applicant obtains Construction Plan approval for the amount of development approved in this certificate by the expiration date, then the Certificate of Concurrency shall remain in effect until the expiration of the approved Construction Plan to which it applies; or the Certificate of Concurrency is extended by a reservation of capacity pursuant to Sections 11.03.02.B(3), 11.03.04.A, and 11.03.056 of Ordinance 99-51;

If the Certificate of Concurrency expires, then a new Final Certificate of Concurrency must be obtained prior to any further development of the project.

- 3. This decision does not affect any other aspect of development and improvement standards or requirements, or any other aspect of the development of land or provision of public improvements subject to the County Land Development Regulations or Comprehensive Plan, or other County regulations, which shall be operative and remain in full force and effect without limitation with respect to all such development pursuant to Part 11.01, Ord. No. 99-51. A Final Certificate of Concurrency does not relieve the applicant from applying for other applicable permits or complying with any land development regulation or governmental requirement, nor does the Final Certificate of Concurrency guarantee the granting of other applicable development permits such as rezonings, variances, or exceptions.
- 4. This decision may be appealed to the St. Johns County Concurrency Review Committee. Any appeal must be filed with the Planning Division of the Growth Management Services Department within 30 calendar days of the decision pursuant to Part 11.06, Ord. No. 99-51.
- 5. This decision shall serve as the Final Certificate of Concurrency to be issued by the County Administrator pursuant to Section 11.02.06.B, Ord. No. 99-51.

DATED THIS 15 DAY OF April, 2005.

  
Teresa Bishop, AICP  
Director of Planning

T:\CONCURRENCY\COCC Minor\COCCONMIN 2005-04.doc

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 13<sup>th</sup> DAY OF February 20 06  
CHERYL STRICKLAND, CLERK  
Ex-Officio Clerk of the Board of County Commissioners

BY: Uwanne King D.C.



JAN 10 2005

ST. JOHNS COUNTY  
FLORIDA  
**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 **CHARLES BARRETT** who on oath says that he 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 **NOTICE OF HEARING** in the matter **REZ 05-21 ATLANTIC SELF STORAGE**

was published in said newspaper in the issues of **JANUARY 9, 2006.**

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 he 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.

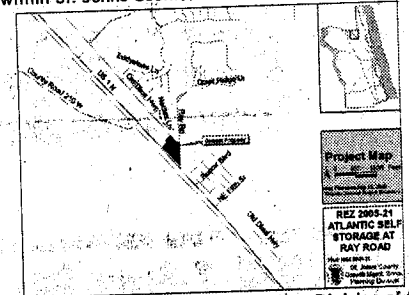
Sworn to and subscribed before me this **10TH** day of **JANUARY, 2006.**

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

COPY OF ADVERTISEMENT

**NOTICE OF A PROPOSED REZONING**

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, January 24, 2006 at 9:00 a.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 from Industrial Warehousing (IW) to Commercial Intensive (CI). The subject property is located at 10450 US1 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 the County's ADA Coordinator at (904) 209-0650 or at the County Administration Building, 4020 Lewis Speedway, 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.

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 notified 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 BRYANT, CHAIRMAN  
FILE NUMBER: REZ 2005-21  
Atlantic Self Storage at Ray Road  
L078-6 Jan 9, 2006**

*Patricia A. Bergquist*  
(Signature of Notary Public)



Patricia A. Bergquist  
My Commission DD275991  
Expires December 18, 2007

(Seal)

PATRICIA A BERGQUIST