

ORDINANCE NUMBER: 2011-3

Public Records of
St. Johns County, FL
Clerk # 2011005176,
O.R. 3403 PG 1204-1206
01/31/2011 at 03:55 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 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, the development of the lands within this rezoning shall proceed in accordance with the revised application, dated October 26, 2010 in addition to supporting documents and statements from the applicant which are a part of Zoning File REZ 2010-05 Deerpark Retail, 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 General (CG)** is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to adjacent land uses. (Objective A.1.3.12)
 - (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 2025 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 as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application File Number REZ 2010-05 the zoning classification of the lands

described within the attached 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 Department by the Development Services Director or designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 18th DAY OF January 2011.

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

BY: J. Ken Bryan

J. Ken Bryan, Chairman

Rendition Date: January 20, 2011

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

Effective Date: January 24, 2011

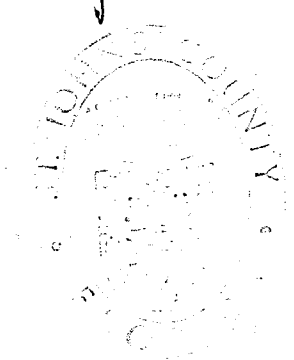


Exhibit A

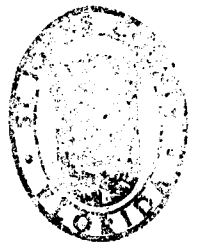
LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 9, TOWNSHIP 8 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A 1" IRON PIPE (NO I.D.) ON THE WESTERLY RIGHT-OF-WAY LINE OF INTERSTATE HIGHWAY NO. 95 MARKING THE BEGINNING OF THE WESTERLY RIGHT-OF-WAY LINE FOR THE LIMITED ACCESS RAMP TO STATE ROAD NO. 207, SAID POINT BEING 150 FEET LEFT OF CENTERLINE SURVEY STATION 7902+84.30 AS SHOWN ON THE RIGHT-OF-WAY MAP FOR SECTION 78080-2405, STATE ROAD NO. 9 (I-95), SHEET 7 OF 16, APPROVED 4-23-64; THENCE S 12°03'41" E ALONG SAID WESTERLY RIGHT-OF-WAY LINE FOR 595.19 FEET; THENCE CONTINUE ALONG SAID RIGHT-OF-WAY LINE S 11°57'22" E FOR 61.85 FEET TO A 1" IRON PIPE (NO I.D.); THENCE S 84°19'25" W FOR 207.92 FEET TO A 4"X4" CONCRETE MONUMENT (NO I.D.); THENCE S 05°15'21" E FOR 865.54 FEET TO A 5/8" REBAR & CAP (NO I.D.); THENCE S 36°34'55" W FOR 372.43 FEET TO A 5/8" REBAR & CAP (NO I.D.) THENCE S 53°16'59" E FOR 199.89 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 207; THENCE S 36°38'52" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE FOR 826.90 FEET TO A 5/8" REBAR & CAP (LB 6979); THENCE S 53°06'06" E ALONG SAID RIGHT-OF-WAY LINE FOR 17.98 FEET TO A 5/8" REBAR & CAP (LB 6979); THENCE S 36°38'20" W ALONG SAID RIGHT-OF-WAY LINE FOR 491.18 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE S 36°38'20" W ALONG SAID RIGHT-OF-WAY LINE FOR 100.76 FEET TO A 5/8" REBAR & CAP (LB 6979); THENCE S 36°30'32" W ALONG SAID RIGHT-OF-WAY LINE FOR 308.20 FEET TO A 5/8" REBAR & CAP (LB 6979); THENCE N 53°31'19" W FOR 285.10 FEET TO A 5/8" REBAR & CAP (LB 6979); THENCE N 00°31'30" E FOR 654.00 FEET; N 88°59'14" E FOR 309.48 FEET; THENCE S 01°00'46" E FOR 388.54 FEET; THENCE S 53°21'40" E FOR 187.49 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND SITUATE, LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA CONTAINING 6.000 ACRES OF LAND MORE OR LESS.

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 28th DAY OF January 20 11
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners
BY: Wenae King D.C.



JAN - 6 2011

SJC DEVELOPMENT REVIEW
ATTN: RACHEL GARVEY
4040 LEWIS SPEEDWAY
SAINT AUGUSTINE FL 32084

ST. JOHNS COUNTY
GROWTH MANAGEMENT

Ref.#: L024-11
P.O.#:

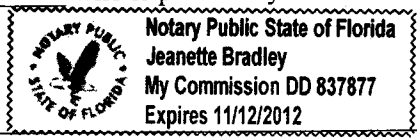
PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **BRI HALL**
who on oath says that he/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 REZONING**
In the matter of **REZ 2010-05 DEERPARK - NOTICE OF REZONING DEERPARK**
was published in said newspaper on **01/03/2011**

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 has 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/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 03 day of Jan 2011
by Bri Hall who is personally known to me
or who has produced as identification



Jeanette Bradley
(Signature of Notary Public)

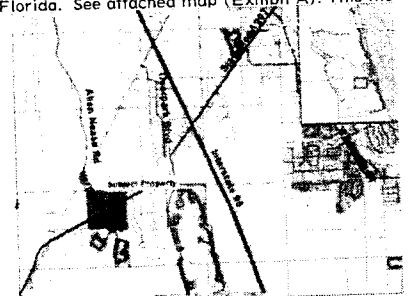
(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Tuesday, January 18, 2011 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 a request to rezone from Open Rural (OR) to Commercial General (CG).

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

The subject property is located at northeast corner of Deerpark Blvd. and SR 207, within St. Johns County, Florida. See attached map (Exhibit A). This file



and the proposed ordinance are maintained in the Planning and Zoning Division of the Growth Management Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be inspected 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 ordinance.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the Board of County Commissioners or the Planning and Zoning Agency members on this topic, except in compliance with Resolution 95-126, to properly noticed public hearings or to written communication, care of SJC Planning Division, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

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 Sebastian View, St. Augustine, Florida, 32084. Hearing impaired persons, call Florida Relay Service (1 800 955 8770), no later than 5 days prior to the meeting.

BOARD OF COUNTY COMMISSIONER
J. KEN BRYAN, CHAIR
ST. JOHNS COUNTY, FLORIDA
FILE NUMBER: REZ2010-05
L024-11 Jan 3, 2011



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

January 24, 2011

Ms. Cheryl Strickland
Secretary
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 21, 2011 and certified copies of Ordinance No. 2011-2 through 2011-4, which were filed in this office on January 24, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

2011 JAN 27 PM 4: 32
OFFICE OF THE SECRETARY OF STATE
FLORIDA

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://dlis.dos.state.fl.us>

COMMUNITY DEVELOPMENT
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STATE ARCHIVES OF FLORIDA
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CAPITOL BRANCH
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RECORDS MANAGEMENT SERVICES
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ADMINISTRATIVE CODE AND WEEKLY
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