

ORDINANCE NUMBER: 87-71

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM PRESENT ZONING CLASSIFICATION OF RG-1 TO PLANNED SPECIAL DEVELOPMENT.

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

SECTION 1. That as requested by Steven Fader in its application with supporting documents for zoning change, dated August 07, 1987, and as amended on October 01, 1987, (hereinafter, the PSD application), the zoning classification of the lands described (BELOW) is hereby changed from RG-1 to Planned SPECIAL Development.

LEGAL DESCRIPTION: Lots 20,21&22 Surfcrest Subdivision recorded in M.B. 3, page 82

SECTION 2. That development of the lands within this Planned Special Development shall proceed in accordance with the PSD Application and supporting documents which are a part of zoning file PSD-87-045 and which are incorporated by reference into and made a part of this ordinance, and as supplemented by the provisions of this ordinance. In the case of conflict between the Application or supporting documents and the below described provisions of this Ordinance, the below described provisions shall prevail.

SECTION 3. Memorandum from engineering Department, Dated October 01, 1987, shall be made a part of PSD file.

Fire hydrant shall be to St. Johns County Fire Code and will be installed by developer.

The conditions and agreements contained in the attached letter dated November 9, 1987 shall be a part of this PSD and shall be complied with.

SECTION 4. That all roads and parking areas within the project either public or private shall be constructed to approved County Standards.

SECTION 5. That all easements required for drainage purposes shall be granted to the County at no cost, upon County's Request.

SECTION 6. All building code, zoning ordinance and Land use development regulations of St. Johns County as may be amended from time to time, are applicable to this development, except those permitting variances and special exceptions and except to the extent that they conflict with specific provisions of the approved PSD. Modification to approved PSD by variance or special exception shall be prohibited.

SECTION 7. The Zoning Official is authorized to issue zoning clearances allowed by zoning classification as rezoned hereby.

SECTION 8. This Ordinance shall take effect immediately upon receipt of official acknowledgment of the Office of the Secretary of State to the Clerk of the Board of County Commissioners of St. Johns County, Florida, that the same has been filed.

PASSED this 10th day of November, 1987.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLA.

BY: Phyllis L. Lyda
CHAIRMAN

ATTEST: CARL "BUD" MARKEY, CLERK

BY: Cheryl Kent
DEPUTY CLERK

(Seal)

Adopted regular meeting 11/10/87

Effective November 18, 1987

November 9, 1987

Mr. G. F. Walker, President
Treasure Beach Property
Owner Assn.
6336 Gomez Road
St. Augustine, Florida 32084

Dear Mr. Walker:

I have contracts to purchase Lots 20, 21 and 22, Surfcrest Subdivision, subject to my ability to obtain rezoning of the land to permit the contemplated development. I understand that Lot 20 is subject to a 10 foot easement along the North boundary in favor of the Treasure Beach property owners.

You and I have discussed the development which I propose and your easement rights. This letter represents our agreement.

Should the rezoning now pending be approved and the purchase of the land consummated, I or my nominee agree to do the following:

1. The easement will be cleared of trees and underbrush from the A1A right of way to the Coastal Construction Control Line at the same time the necessary site work is being done on my property. I shall grade a walkway within the said easement area suitable for pedestrian traffic. The foregoing work shall be at no expense to the Treasure Beach property owners. In exchange for this work, the Treasure Beach property owners agree to use the easement for access to the Beach and will refrain from using roads, driveways, and pedestrian walkways within my development for such access.
2. Each home developed along my adjacent property to your easement will have a fence installed on their rear property line. These fences will be continuous along the south side of your easement and create the privacy we discussed for your association. I reserve the right to install these fences as the individual homes are constructed.
3. At no time will I permit your easement to be used for a driveway or for vehicular access to the beach or permit your use of the easement to be blocked or hindered in any way.

4. Subject to approval by all regulatory agencies having jurisdiction and architectural approval by Nathaniel Curtis Architects, at my expense not to exceed \$2,500.00, I will provide separate access to our developments walkway or provide an alternative wooden walkway from the Coastal Construction Line to the beach. The liability and maintenance of this additional access and/or walkway shall be the specific responsibility of the Treasure Beach Property Owners Association.

Permitting for this process shall not commence until after I and/or my assigns have taken title to the property and all necessary permits for the site improvements as per plans and specs by Nathaniel Curtis Architects has been secured.

5. Should I acquire title in the name of a nominee rather than my name, I shall advise the nominee of the existence of this agreement and shall require the nominee to comply with its provisions.

6. In consideration of these concessions you, the Treasure Beach Property Owners Association, will support zoning change R-PSD-87-045 in front of the Board of County Commissioners November 10, 1987.

If this agrees with your understanding, please sign in the space provided below.

Sincerely yours,



Steven R. Fader

The foregoing represents the agreement between us.

TREASURE BEACH PROPERTY OWNERS ASSN.

By: 
G.F. Walker, President

The St. Augustine Record
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA }
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared _____
Kristi Robertson who on oath says that he is
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 _____
Public Notice
 _____ in the matter of _____
changing zoning classification from RG-1 to PSD
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
October 8, 1987

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 has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached 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 this advertisement for publication in the said newspaper.

Sworn to and subscribed before me Kristi Robertson
 this 8th day of October
 A.D. 19 87

[Signature]
 (SEAL) Notary Public

Notary Public, State of Florida
 My Commission Expires Aug. 4, 1989
 Bonded Thru Troy Fair - Insurance, Inc.

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 10 DAY OF NOVEMBER 1987 AT 2:00 o'clock PM, IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RG-1 TO PSD.

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

SECTION 1. Pursuant to the application of T&S Enterprises, Ernestine and B. Lee Kigore, owners and Steve Fader applicant, owners of the following described land, zoning classification of RG-1, single, Multi-family on the following described lands:

Lots 20, 21, and 22 Surfcrest subdivision, as recorded in Map Book 3, page 82 public records of St. Johns County, Florida is hereby changed to: PSD, Planned Special Development in accordance with documents filed in application R-PSD-87-045.

SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in zoning district wherein said lands are located.

SECTION 3. The Building Department is authorized to issue construction permits allowed by zoning classification as rezoned hereby.

SECTION 4. This Ordinance shall take effect immediately upon receipt of official acknowledgment of the Secretary of State to the Clerk of the Board of County Commissioners, that same has been filed.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: /s/ Carl "Bud" Market
 Its clerk

If a person decides to appeal any decision made by the Board of County Commissioners 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 the appeal is to be based.

L364, Oct. 8, 1987