

88 247-16

ORDINANCE NUMBER: 88-50

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF "CI" WITH CONDITIONS TO "CI" WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, MAR-WAYNE, a partnership, as applicant, has filed application for change of zoning on lands owned by applicant, hereinafter described on attached Exhibit "A", and after required notice was published, a public hearing was held on September 13, 1988, at 2:00, p.m. on said application; and

WHEREAS, the BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, found, as to the requested rezoning classification of "CI", as follows: (a) the proposed rezoning promotes the public welfare and compliments the St. Johns County Comprehensive Plan; (b) the requested change of zoning is justifiable or fairly debatable without special conditions; (c) the proposed rezoning is desirable at this time and in this general location; (d) prior to the enactment of this Ordinance and in the interest of the public health, safety and general welfare, and without promise, prerequisite, or inducement to the enactment of this Ordinance, the applicant agreed to limit its use of said lands and has consented to restrictions or limitations on the applied for rezoning of "CI" as hereinafter provided; and (e) such restrictions or limitations are for the benefit of the general public and not just the applicant and they are reasonable and nondiscriminating.

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

SECTION 1. Pursuant to the application of MAR-WAYNE, a partnership, the zoning classification of "CI" with conditions on the lands described on the attached Exhibit "A" is hereby changed to "CI", subject to the following conditions:

(1) The permitted uses and structures specified in Section 5-9 of the St. Johns County Zoning Code which may be located on Parcel 1 shall be limited to the following:

(a) Retail outlets for the sale of new or used automobiles, trucks, and automotive vehicle parts as specified in Section 5-9-1(a), St. Johns County Zoning Code.

(b) Service establishment for automobile and truck repair and service garage, motor vehicle body shop, rental of automotive vehicles, trailers and trucks as specified in Section 5-9-1(b), St. Johns County Zoning Code.

The remaining uses specified in Section 5-9(a) and (b), and those uses specified in subsections (c), (d), (e), (f) and (g) shall not be permitted on Parcel 1.

(2) Any gasoline on Parcel 1 shall not be sold at retail.

(3) All repair of vehicles on Parcel 1 shall be in a completely enclosed building.

(4) Parcel 2 shall be used only for ancillary parking for the existing business located contiguous thereto on Parcel 1, and no buildings may be placed upon said Parcel 2.

(5) No more than two (2) curb cuts shall be permitted on Highway U.S. 1 South for ingress and egress to Parcels 1 and 2.

(6) A ten (10') foot wide natural buffer or green buffer consisting of plantings and grass shall be situated along the entire eastern boundary of Parcels 1 and 2 inside of the required fence.

(7) If determined necessary by the Department of Transportation, a right turn lane shall be installed at applicant's expense.

(8) Any lights being installed on Parcel 2 will be shielded from the residential area lying east of Parcel 2.

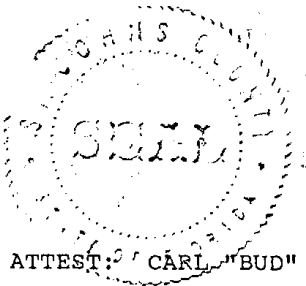
SECTION 2. Nothing herein contained shall be deemed to impose conditions, limitations or requirements not applicable to all other land in the zoning district wherein said lands are located, except as provided in Section 1 above.

SECTION 3. The Zoning Inspector is authorized to issue construction permits allowed by classification as rezoned and conditioned hereby.

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

SECTION 5. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official public records of St. Johns County, Florida, and indexed under the names of the property owners described on page one hereof.

PASSED this 13th day of September, 1988.



BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Lawrence O. Hartley
CHAIRMAN

ATTEST: CARL "BUD" MARKEL, CLERK

By: Carl Bud Markel
Clerk

Adopted Regular

Meeting September 13, 1988

Effective September 26, 1988

EXHIBIT "A"Parcel 1

A parcel of land in Section 6, Township 8 South, Range 30 East, St. Johns County, Florida, and being more particularly described as follows:

Commencing at the Northeast corner of Lot 3207 of ST. AUGUSTINE SOUTH, Unit No. 11, as recorded in Map Book 8, Page 46, among the Public Records of said County; thence South 73 degrees 07 minutes West, 100.00 feet to a point; thence South 16 degrees 53 minutes East, and along the Westerly line of said ST. AUGUSTINE SOUTH, Unit No. 11, 261.12 feet to a point, corner, and the Point of Beginning; thence continue South 16 degrees 53 minutes East and along the Westerly line of said ST. AUGUSTINE SOUTH, Unit No. 11, 647.98 feet to a point and corner; thence North 72 degrees 37 minutes West, 395.98 feet to a point and corner; thence North 72 degrees 37 minutes West, 395.80 feet to a point and corner lying on the Easterly right-of-way of U.S. Highway No. 1; thence North 00 degrees 08 minutes East, 500.00 feet along the Easterly right-of-way of said U.S. Highway No. 1 to a point and corner; thence South 89 degrees 52 minutes East, 187.66 feet to a point, corner, and the POINT OF BEGINNING: said parcel 500.00 feet of frontage along said U.S. Highway No. 1.

Parcel 2

A parcel of land in Section 6, Township 8 South, Range 30 East, St. Johns County, Florida, containing 0.5672 acre, more or less, and being more fully described as follows:

Commencing at the Northeast corner of Lot 3207 in ST. AUGUSTINE SOUTH, UNIT NO. 11, as recorded in Map Book 8, Page 46, public records of said County; thence South 73 degrees, 07 minutes West, on the North line of said Lot 3207, a distance of 100.00 feet; thence South 16 degrees, 53 minutes East, on the Westerly line of said ST. AUGUSTINE SOUTH, UNIT NO. 11, a distance of 104.58 feet to the Point of Beginning at the Northeast corner of the herein described parcel of land; thence continuing South 16 degrees, 53 minutes East, on said Westerly line of ST. AUGUSTINE SOUTH, UNIT NO. 11, a distance of 156.87 feet; thence North 89 degrees, 52 minutes West, 187.66 feet; thence North 00 degrees, 08 minutes East, on the East right-of-way line of U.S. Highway No. 1, a distance of 150.00 feet; thence South 89 degrees, 52 minutes East 141.76 feet to the Point of Beginning.

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

88 SEP 27 AM 11:27

Carl Paul Merkel
CLERK OF CIRCUIT COURT

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 _____
LINDA MURRAY 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 _____
NOTICE OF PUBLIC HEARING
 _____ in the matter of _____
APPLICATION OF MAR WAYNE ASSOCIATES
 _____ in the _____ Court,
 was published in said newspaper in the issues of _____
JULY 28, 1988

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 this _____ 28th _____ day of _____ JULY _____

A.D. 19 88

 Notary Public
 My Commission Expires Aug. 4, 1989
 Bonded thru Troy Fair Insurance, Inc.

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 13 DAY OF SEPTEMBER 1988 AT 2:00 O'CLOCK P.M. 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 C1 (Conditional to C1) WITH THE POSSIBILITY OF ADDED CONDITIONS.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA: SECTION 1. Pursuant to the application of Mar-Wayne Associates and Andrew P. and Janice Sperlanes, owners of the following described land, zoning classification of C1, with conditions on the following described lands:

Parcel 1
 A parcel of land in Section 6, Township 8 South, Range 30 East, St. Johns County, Florida, and being more particularly described as follows: Commencing at the Northeast corner of Lot 3207 of ST. AUGUSTINE SOUTH, Unit No. 11, as recorded in Map Book 8, Page 46, among the Public Records of said County; thence South 73 degrees 07 minutes West, 100.00 feet to a point; thence South 16 degrees 53 minutes East, and along the Westerly line of said ST. AUGUSTINE SOUTH, Unit No. 11, 261.12 feet to a point; corner, and the Point of Beginning; thence continue South 16 degrees 53 minutes East and along the Westerly line of said ST. AUGUSTINE SOUTH, Unit No. 11, 647.98 feet to a point and corner; thence North 72 degrees 37 minutes West, 395.98 feet to a point and corner; thence North 72 degrees 37 minutes West, 395.80 feet to a point and corner lying on the Easterly right-of-way of U.S. Highway No. 1; thence North 00 degrees 06 minutes East, 500.00 feet along the Easterly right-of-way of said U.S. Highway No. 1 to a point and corner; thence South 89 degrees 52 minutes East, 187.66 feet to a point, corner, and the POINT OF BEGINNING; said parcel 500.00 feet of frontage along said U.S. Highway No. 1.

Parcel 2
 A parcel of land in Section 6, Township 8 South, Range 30 East, St. Johns County, Florida, containing 0.5672 acre, more or less, and being more particularly described as follows: Commencing at the Northeast corner of Lot 3207 in ST. AUGUSTINE SOUTH, UNIT NO. 11, as recorded in Map Book 8, Page 46, public records of said County; thence South 73 degrees, 07 minutes West, on the North line of said Lot 3207, a distance of 100.00 feet; thence South 16 degrees, 53 minutes East, on the Westerly line of said ST. AUGUSTINE SOUTH, UNIT NO. 11, a distance of 104.38 feet to the Point of Beginning at the Northeast corner of the herein described parcel of land; thence continuing South 16 degrees, 53 minutes East, on said Westerly line of ST. AUGUSTINE SOUTH, UNIT NO. 11, a distance of 156.87 feet; thence North 89 degrees 52 minutes West, 187.66 feet; thence North 00 degrees, 06 minutes East, on the East right-of-way line of U.S. Highway No. 1, a distance of 150.00 feet; thence South 89 degrees, 52 minutes East, 141.76 feet to the Point of Beginning.

Is hereby changed to C1, Comm. intensive with the possibility of added conditions.

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, except as provided in Section 1 above.

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 office of the Secretary of State to the Clerk of the Board of County Commissioners, that same has been filed.

BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA
 By s/ Carl "Bud" Market
 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 is made, which record includes the testimony and evidence upon which the appeal is to be based.

L036 July 28, 1988

MENT



FLORIDA DEPARTMENT OF STATE

Jim Smith
Secretary of State
DIVISION OF ELECTIONS
Room 1802, The Capitol
Tallahassee, Florida 32399-0250
(904) 488-8427

September 22, 1988

RECEIVED
ST. JOHNS COUNTY FLORIDA

'88 SEP 26 P12:04

Honorable Carl "Bud" Markel
Clerk of Circuit Court
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085

Carl Bud Markel
CLERK, COUNTY COMMISSION

Attention: Connie E. McDaniel, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge:

1. Receipt of letter/s of September 16, 1988
and certified copy/ies of St. Johns
County Ordinance(s) Nos. 88-50, 88-51, 88-52, 88-53
88-54 and 88-55
2. Receipt of _____ County Ordinance(s)
relative to:
(a) _____
which we have numbered _____
(b) _____
which we have numbered _____
3. We have filed ~~this~~/these ordinances in this office
on September 21, 1988.
4. The original/duplicate copy/ies showing the filing date
is/are being returned for your records.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/ mb