

ORDINANCE NO. 88-73

INTRODUCED BY COMMISSIONER

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREIN-AFTER FROM THE PRESENT ZONING CLASSIFICATION OF RG-2 to CG WITH CERTAIN CONDITIONS; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, (Property Owners' names):

Alex & E. Virginia Hein

filed application for change of zoning on lands hereinafter described, and after required notice was published, a public hearing was held on 22nd day of November, 1988 at 2:00 o'clock 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 CG, as follows: (a) the proposed rezoning promotes the public welfare and complements 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, applicants agreed to limit their use of said lands and have consented to restrictions or limitations on the applied for rezoning of CG as hereinafter provided; and (e) such restrictions or limitations are for the benefit of the general public and not just the applicants, 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

Alex & E. Virginia Hein

zoning classification of RG-2

on the following described lands:

Legal Description:

Parcel one

A parcel of land in Section 31, Township 7 South, Range 30 East, more fully described as follows:

Commence at the permanent reference monument at the intersection of the East Right-of-Way line of Cornell Road and the North Right-of-Way line of St. Augustine Drive, Unit No. 4, ST. AUGUSTINE SOUTH SUBDIVISION, as recorded in Plat Book 8, Page 36, of the Public Records of St. Johns County, Florida; thence North 89 degrees 52' West, 160 feet along the North Right-of-Way line of St. Augustine Drive to an iron pipe and the point of beginning; thence North 0 degrees 05' East, 243.5 feet; thence North 18 degrees 30' West 291.0 feet; thence North 89 degrees 52' West, 353.9 feet to the East Right-of-Way line of U.S. Highway No. 1, thence South 0 degrees 08' West, 319.8 feet along the East Right-of-Way line of said Highway to the point of curvature of a circular curve to the left with radius of 200.0 feet; thence along the arc of the curve a distance of 314.16 feet to the point of tangency of said curve, thence South 89 degrees 52' East, 248.72 feet to the point of beginning.

parcel two

A parcel of land in Section 31, Township 7 South, Range 30 East, more fully described as follows: Commence at the permanent reference monument at the intersection of the East Right-of-way line of Cornell Road and the North Right-of-way line of St. Augustine Drive, Unit No. 4, St. Augustine South Subdivision, as recorded in Plat Book 8, Page 36 of the Public Records of St. Johns County, Florida; thence North 89° 52' West, 160 feet along the North Right-of-way line of St. Augustine Drive to an iron pipe; thence North 0° 05' East, 243.5 feet; thence North 18° 30' West, 291.0 feet to the point of beginning; thence continue North 18° 30' West, 211.07 feet; thence North 89° 52' West, 286.5 feet to the East right-of-way line of U. S. Highway No. 1; thence South 0° 08' West, 200 feet along the East Right-of-way of said Highway; thence South 89° 52' East, 353.9 feet to the point of beginning.

SUBJECT to restrictions set forth in Deed Book 230 page 134 of the public records of St. Johns County, Florida.

is changed to CG, Commercial General

subject to the following conditions:

O.R. 804 PG 0657

1. Structures shall have a maximum height of thirty-five (35) feet.
2. A twenty-five foot (25') non building buffer shall be maintained along the eastern property line. Said buffer shall be surveyed and staked prior to any construction activity on the site.
3. An eight (8") foot opaque, visual barrier, fence shall be constructed along the Eastern property line.
4. All outside lighting on buildings and/or parking areas shall be directed to the subject property and away from adjacent residential properties.
5. All entrance/exits to the site shall be restricted to U.S. #1 and will be subject to site plan review and approval by D.O.T. and County Staff prior to issuance of any permits or any construction activity occurring on the site.
6. Only the following uses currently provided under CG classification shall be allowed on the subject property: Section 5-8, paragraphs a., b., c., e., f., g., i., j., l., m. (excluding funeral home and marinas), and p.

which conditions shall remain in full force and effect at all times until amended or changed by further ordinance of this Body.

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 Bldg. Dept. 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 Dept. 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 22nd day of November, 1988

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: [Signature]
Chairman

ATTEST: CARL "BUD" MARKEL, CLERK

BY: [Signature]
Clerk



VERIFIED BY
[Signature]

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

88 DEC -6 AM 10: 53

[Signature]
CLERK OF CIRCUIT COURT

Adopted Regular meeting November 22, 1988

Effective December 2, 1988

The St. Augustine Record

PUBLISHED EVERY AFTERNOON MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING
ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

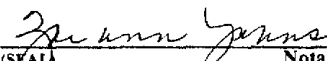
STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared _____
Kristi Robertson _____ who on oath says that she 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 Regular Meeting _____
_____ in the matter of _____
St. Johns County Board of County Commissioners _____
_____ in the _____ Court,
was published in said newspaper in the issues of _____
October 21, 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 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 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 _____
Kristi Robertson
Zoe Ann Johns
this _____ 21st _____ day of _____ October _____

A.D. 19 88


(SEAL) _____ Notary Public
Notary Public, State of Florida
My Commission Expires Aug. 4, 1989
Revised This Text into Insurance, Inc.

TY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 22 DAY OF OCTOBER 1988 AT 2:00 O'CLOCK IN THE COUNTY ADMINISTRATION BUILDING, 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-2 TO CG 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 Alex and Virginia Hein owners of the following described land, zoning classification of RG-2 multi family on the following described lands:

Parcel One
A parcel of land in Section 31, Township 7 South, Range 30 East, more fully described as follows:

Commence at the permanent reference monument at the intersection of the East Right-of-Way line of Cornell Road and the North Right-of-Way line of St. Augustine Drive, Unit No. 4, ST. AUGUSTINE SOUTH SUBDIVISION, as recorded in Plat Book 8, Page 36, of the Public Records of St. Johns County, Florida; thence North 89 degrees 52' West, 160 feet along the North Right-of-way line of St. Augustine Drive to an iron pipe and the point of beginning; thence North 0 degrees 05' East, 243.5 feet; thence North 18 degrees 30' West, 291.0 feet; thence North 89 degrees 52' West, 353.9 feet to the East Right-of-Way line of U.S. Highway No. 1; thence South degrees 08' West, 319.8 feet along the East Right-of-Way line of said Highway to the point of curvature of a circular curve to the left with radius of 200.0 feet; thence along the arc of the curve a distance of 314.16 feet to the point of tangency of said curve, thence South 89 degrees 52' East, 248.72 feet to the point of beginning.

Parcel Two

A parcel of land in Section 31, Township 7 South, Range 30 East, more fully described as follows: Commence at the permanent reference monument at the intersection of the East Right-of-Way line of Cornell Road and the North Right-of-Way line of St. Augustine Drive, Unit No. 4, St. Augustine South Subdivision, as recorded in Plat Book 8, Page 36 of the Public Records of St. Johns County, Florida; thence North 89° 52' West, 160 feet along the North Right-of-Way line of St. Augustine Drive to an iron pipe; thence North 0° 05' East, 243.5 feet; thence North 18° 30' West, 291.0 feet to the point of beginning; thence continue North 18° 30' West, 211.07 feet thence North 89° 52' West, 286.5 feet to the East right-of-way line of U.S. Highway No. 1; thence South 0° 08' West, 300 feet along the East Right-of-Way of said Highway; thence South 89° 52' East, 353.9 feet to the point of beginning.

SUBJECT to restrictions set forth in Deed Book 230 page 134 of the public records of St. Johns County, Florida, is hereby changed to CG, Commercial General 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 OF ST. JOHNS COUNTY, FLORIDA

BY: s/ Carl "Bud" Merkel
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.

L654 Oct. 21, 1988