

Recorded in Public Records St. Johns County, FL
Clerk # 94037322 O.R. 1082 PG 694 11:34AM 11-15-94
Recording 25.00 Surcharge 3.50

ORDINANCE NO. 94-46

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

WHEREAS, David F. Powell, on behalf of Ross M. Chapman, owner of land hereinafter described, filed application for change, dated June 17, 1994, of zoning hereinafter described, and after required notice was published, a public hearing was held on the 11 day of October 1994, at 1:30 p.m. o'clock P.M. on said application, and

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

SECTION 1. Upon consideration of the application 94-013, supporting documents, statements from the applicant, and comments from staff at the public hearing, finds as follows:

- a. 94-013 has been fully considered after public hearing pursuant to legal notice duly published as required by law and the St. Johns County Zoning Ordinance;
- b. The proposed rezoning from IW to CI with conditions does not adversely affect the orderly development of St. Johns County as embodied in the Zoning Ordinance and the Comprehensive Plan;
- c. The proposed CI with conditions classification will not affect adversely the health and safety of residents or workers in the area and will not be detrimental to the natural environment, development of adjacent properties, or general neighborhood;
- d. The proposed CI with conditions classification will accomplish the objectives, standards and criteria of the Zoning Ordinance;
- e. The rezoning is consistent with the development of property in the area and is compatible with the desired future development of the area;

*(Bill - Bev)
Return to: Yvonne Carter*

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- f. The proposed intensity of development is consistent with the uses allowable by the Comprehensive Plan with regard to development with the Comprehensive Plan designated "Mixed Use Area", and
- g. On July 21, 1994, the st. Johns County Planning and Zoning Agency held a public hearing on the matter, and has recommended approval by unanimous vote as reflected in its report and recommendation dated July 26, 1994. The findings within the report and recommendation are hereby adopted herein.

Section 2. Pursuant to the application of David F. Powell, zoning classification of IW, Industrial Warehouse on the lands described as follows:

A PARCEL OF LAND BEING A PART OF THE EAST 132 FEET OF TRACT 11, ST. AUGUSTINE HEIGHTS, UNIT 2, AS RECORDED IN MAP BOOK 10, PAGE 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, ALSO BEING A PART OF VACATED KINGS ROAD AS RECORDED IN OFFICIAL RECORDS BOOK 379 AT PAGE 434 AND OFFICIAL RECORDS BOOK 366 AT PAGE 748 OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA AND ALSO BEING A PART OF THE NORTH 660 FEET OF THE SOUTH 1983.61 FEET OF SECTION 36, TOWNSHIP 7 SOUTH, RANGE 29 EAST, LYING EAST OF SAID TRACT 11 AND WEST OF THE FLORIDA EAST COAST RAILROAD RIGHT-OF-WAY AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTH LINE OF SAID TRACT 11 WITH THE EAST RIGHT-OF-WAY OF DOBBS ROAD; THENCE N 0 37'00" W ALONG SAID EAST RIGHT-OF-WAY 431.95 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE N 00 37'00" W ALONG SAID EAST RIGHT-OF-WAY LINE 125.90 FEET, THENCE N 89 23'00" E 429.10 FEET: TO THE WEST RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD; THENCE S 03 34'43" E ALONG SAID WEST RIGHT-OF-WAY LINE 126.06 FEET; THENCE S 89 23'00" W 435.61 FEET TO THE POINT OF BEGINNING.

IS HEREBY CHANGED TO CI, COMMERCIAL INTENSIVE, SUBJECT TO THE FOLLOWING CONDITIONS:

1. (a) One proposed building, approximately 7,000 square feet or less. Use will be limited to an air conditioning and sheet metal contractors shop, office and warehouse.
(b) Other buildings trades contractors or other related exceptions are subject to approval in accordance with section 5-9-3 zoning code.
2. One mobile home 2,000 square feet or less, to be occupied by owner, employee, or caretaker only. Mobile home will be located within the rear 200 feet of the property.
3. Front set back minimum 25 feet. Side set back minimum 6 feet. Rear set back minimum of 10 feet.

SECTION 3. Nothing herein contained shall be deemed to impose conditions, limitation, or requirements not applicable to all other land in zoning district where in said lands are located, except as stated herein.

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SECTION 4. SAVINGS CLAUSE

- a) Except to the extent that they conflict with specific provisions of the approved Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, any Concurrency Management Ordinances and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development.
- b) Unless the Board of County Commissioners demonstrates that compliance with the land development regulations is essential to the public health, safety, or welfare, nothing in this section shall be deemed to : (a) supersede any applicable "grandfathering" or "vested rights" provisions contained in Florida law or that may be provided in any such future building code, zoning ordinance or other land use and development regulations; or (b) supersede any concurrency certificate or concurrency exemption determination made by the Concurrency Review Committee or the Board as such may be limited at the time of issuance. Furthermore, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any such building code, zoning ordinance or other land development regulations as applied to this development under the Florida or United States Constitutions.

SECTION 5. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the Office of the Department of State to the Clerk of the Board of County Commissioners that same has been filed.

SECTION 6. This Ordinance shall be recorded by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in the official records of St. Johns County, Florida, and indexed under the name of the property owner listed in Section 1 hereof.


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PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA, THIS 11th
DAY OF October 1994

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: Alan Roberts
Its Chair

ATTEST: CARL "BUD" MARKEL, CLERK

 By: Carl "Bud" Markel
Clerk

Effective Date: OCTOBER 24, 1994

Corrected

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 _____

Barbara Dresslar 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 Public Hearing

_____ in the matter of _____
Powell for Chapman/Industrial Warehouse

_____ in the _____ Court,

was published in said newspaper in the issues of _____
Aug. 20, 1994

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.

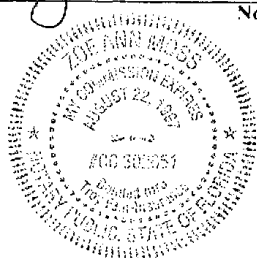
Sworn to and subscribed before me Barbara Dresslar
Zoe Ann Moss

this 22nd day of Aug.

A.D. 19 94

Zoe Ann Moss
Notary Public

(SEAL)



verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Notice to all hearing impaired persons: anyone planning to attend this meeting and needs the services of an interpreter, please contact David Holstead, ADA Coordinator at (904) 823-2505 at least 5 days prior to the date of this meeting.

L858 Aug. 20, 1994

COPY OF ADVERTISEMENT

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON THE 11th DAY OF OCTOBER 1994 AT 1:30 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 IW TO CI 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 David F. Powell on behalf of Ross M. Chapman, owners of the following described land, zoning classification of IW, Industrial Warehouse on the following described lands:

A Parcel of Land being a part of the East 132 feet of Tract 11, ST. AUGUSTINE HEIGHTS, Unit 2, as recorded in Map Book 10, page 28 of the public records of St. Johns County, Florida, also being a part of vacated Kings Road as recorded in Official Records Book 379 at Page 434 and Official Records Book 365 at Page 748 of the Official Records of St. Johns County, Florida and also being a part of the North 660 feet of the South 1983.61 feet of Section 36, Township 7 south, Range 29 East, lying East of said Tract 11 and West of the Florida East Coast Railroad right-of-way and being more particularly bounded and described as follows:

Commence at the intersection of the South line of said Tract 11 with the East right-of-way of Dobbs Road; thence N 0°37'00" W along said East right-of-way 431.95 feet to the Point of Beginning for the herein described parcel; thence continue N 0°37'00" W along said East right-of-way line 125.90 feet; thence N 89°23'00" E 429.10 feet to the West right-of-way line of the Florida East Coast Railroad; thence S 03°24'43" E along said West right-of-way line 126.06 feet thence S 89°23'00" W, 435.61 feet to the Point of Beginning.

Is hereby changed to CI, Commercial 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 OF ST. JOHNS COUNTY, FLORIDA

By s/ Carl "Bud" Markel
His 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