

ORDINANCE NUMBER: 96-25
AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA, MODIFYING THE WRITTEN
TEXT AND SCHEDULE OF DEVELOPMENT
INCORPORATED INTO ORDINANCE NO: 93-49, WHICH IS
AN ORDINANCE THAT REZONED CERTAIN LANDS
DESCRIBED THEREIN TO PLANNED SPECIAL DEVELOPMENT;
MAKING FINDINGS OF FACT; REQUIRING
RECORDATION; PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. That as requested by Terry Durand of CEI Engineering on behalf of the record title owners, Gregg Schuler, Climate Masters, Inc., in its application with supporting documents for zoning hearing dated February 8, 1996, concerning lands described on attached Exhibit "A", the legal description, attached hereto, (hereinafter the "PSD Modification"), the PSD Written Text and Schedule of Development incorporated into Ordinance Number :93-49 is hereby modified as set forth in the attached exhibits hereto as "B", Written Text and "C", Site Plan.

SECTION 2. That development of lands within the PSD shall proceed in accordance with Ordinance Number :93-49, including the Application for Zoning Hearing, (The PSD Modification) dated February 8, 1996, attached hereto and made a part hereof.

SECTION 3. That the need and justification for modification of the PSD has been considered in accordance with Section 11-10-4 of the St. Johns County Zoning Ordinance and the St. Johns County Comprehensive Plan, whereby:

- a. The PSD, as modified, does not adversely affect the orderly development of St. Johns County as embodied in the Zoning Ordinance and in the Comprehensive Plan or portion thereof adopted by the St. Johns County Board of County Commissioners ;
- b. The PSD, as modified, will not adversely affect the health, safety of residents or workers

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in the area and will not be detrimental to the natural environment or to the use or development of adjacent properties or the general neighborhood;

- c. The PSD, as modified, will accomplish the objectives and will meet the standards and criteria of Section 8A-4 of the Zoning Ordinance;
- d. The PSD, as modified, is consistent with the development trends of the surrounding area and with the goals, policies and objectives of the Comprehensive Plan; and,
- e. At the public hearing on March 21, 1996, the Planning and Zoning Agency recommended approval by unanimous vote.

SECTION 4. That all other provisions of Ordinance Number : 93-49 as amended, not in conflict with the provisions of this ordinance shall remain in full force and effect.

SECTION 5. Except to the extent that they conflict with specific provisions of the approved development plan or PSD Ordinance, all building code, zoning ordinance, and other land use and development regulations of St. Johns County, including, without limitation, the Concurrency Management Ordinance and the St. Johns County Comprehensive Plan, as may be amended from time to time shall be applicable to this development, except modification to approved development plans by variance or exception shall be prohibited. Particularly, no private land use covenant or restriction that may be incorporated into this Ordinance which is more strict than a particular Federal, State or County Statute, Ordinance, Regulation, Rule, or Resolution shall be enforced by the County under this ordinance except as is specifically provided for and described in the Ordinance or the incorporated PSD narrative.

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 State Constitutions.

SECTION 6. This Ordinance shall take effect immediately upon receipt of the Ordinance by the Secretary of State.

SECTION 7. 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 ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY THIS 23rd DAY OF April 1996.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

by: Donald Jordan
Its Chair - Donald Jordan

Attest: Carl "Bud" Markel, Clerk

By: Yvonne Carter
Deputy Clerk

Adopted: April 23, 1996

Effective: April 29, 1996



Exhibit "A"

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Begin at the northwest corner of Government Lot 5, Section 19, Township 8 South, Range 30 East, St. Johns County, Florida, Thence North 88 degrees 10 minutes East, along the north line of said Government lot 5, to the intersection of said north line with the westerly right-of-way of U.S. Highway #1, a 200 foot right-of-way; thence southerly, along said right-of-way line, 1350 feet to the point of beginning; thence continue southerly, along said right-of-way, a distance of 100 feet; thence South 88 degrees 20 minutes West 240 feet; thence North 08 degrees 40 minutes West 100 feet; thence North 88 degrees 10 minutes East a distance of 240 feet to the point of beginning.

Subject to easement for drainage and road right-of-way taken, granted, or in use.

Subject to mineral reservation set forth at Deed book 196, page 461 St. Johns County, Florida.

Exhibit "B"

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DESCRIPTION OF PROPOSED MODIFICATIONS TO EXISTING PSD ORDINANCE 93-49, AS SUBMITTED BY CLIMATE MASTERS, INC.

The following items are presented to describe the proposed modifications to PSD Ordinance 93-49, including the "Addendum to the Owner's Zoning Application", complete copies of which are attached to this Exhibit, as originally adopted on December 14, 1993.

1. Ordinance 93-49 is amended as follows:

(a) Section 5.

"That the owner will hook up to county utilities when they become available along the front of the building site on the west side of Highway US 1 South."

2. Addendum to Owner's Zoning Application is amended as follows:

(a) Paragraph 2 (a).

Applicant attaches hereto the following exhibits: (a) "Detailed site plan of the subject property depicting the location of the structures, setbacks, parking areas, storm water facilities, utilities and landscaping. The site plan may be modified to accommodate jurisdictional agency requirements or permitting department regulations."

(b) Paragraph 3.

"The proposed PSD consists of a 40'x120' metal, open bay building with adjacent parking, open storage area, and landscaping located on approximately 0.55 acres of land. The land, structure, parking area and landscaping will be owned and maintained by the applicant and its assigns. The structure contains approximately forty eight hundred (4,800) square feet floor space and will contain an office area of 2,400 square feet (two stories of office space within building) and 2,400 square feet for equipment storage and repair. There will be a 1,200 foot open bay for rental space to businesses allowed under Section 5-9-3 (b) (d) and zoning ordinance. The open bay area is included in the 4,800 square feet of floor space. The area will be served by a paved parking area, constructed in compliance with zoning, parking and drainage ordinances.

The structure will be set back approximately 64 feet from the right of way of US 1 South, approximately 50 feet from the rear property line, approximately 54 feet from the north property line and approximately 5 feet from the south property line. The maximum height of the structure is 25'.

The proposed ingress and egress to the development will be from Highway US 1 South by a paved driveway designed and constructed in accordance with D.O.T. standards. A grassed drainage retention area will be in the front of the building and the area will be landscaped in accordance with the St. Johns County Landscape ordinance."

- (c) Paragraph 3(a).

"Water is to be provided by an on site well. A septic tank system will be located in the rear of the building."

- (d) Paragraph 4.

"The size of the project is approximately 0.55 acres, and all improvements will be completed with 365 days of commencement. Site preparation to begin 120 days after approval of the PSD modification."

- (e) Paragraph 9.

"Fire Protection - when County waterlines are installed along the west side of US 1 South in front of the building, the developer may be required to put in a fire hydrant on the property (per conference with Fire Marshall)."

- (f) Paragraph 12.

"Site preparation will consist of clearing and placement of fill material. The developer will comply with all St. Johns County landscaping and land clearing requirements."

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 _____

Julia Meeks _____ 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 Proposed major modification to planned special development _____

in the _____ Court, was published in said newspaper in the

issues of April 4, 1996 _____

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 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 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 this 4th day of April, 1996,

by Julia Meeks _____ who is personally

known to me or who has produced _____ personally known _____ as

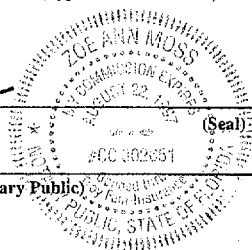
(Type of Identification)

identification.

Zoe Ann Moss _____
(Signature of Notary Public)

Zoe Ann Moss

(Print, Type or Stamp Commissioned Name of Notary Public)



COPY OF ADVERTISEMENT

NOTICE OF PUBLIC HEARING ON PROPOSED MAJOR MODIFICATION TO PLANNED SPECIAL DEVELOPMENT

Notice is hereby given that a public hearing for Major Modification to Ordinance 93-49. An Ordinance modifying lands within Planned Special Development will be heard by the Board of County Commissioners of St. Johns County, Florida, to consider the following:

Revisions to site design and extension of Schedule of Development on the following described lands located in St. Johns County, Florida:

Exhibit A

Begin at the northwest corner of Government Lot 3, Section 19, Township 8 South, Range 30 East, St. Johns County, Florida. Thence North 88 degrees 10 minutes East, along the north line of said Government lot 5, to the intersection of said north line with the westerly right-of-way of U.S. Highway #1, a 200 foot right-of-way, thence southerly, along said right-of-way line, 1350 feet to the point of beginning; thence continue southerly, along said right-of-way, a distance of 100 feet; thence South 88 degrees 20 minutes West 240 feet; thence North 08 degrees 40 minutes West 100 feet; thence North 88 degrees 10 minutes East a distance of 240 feet to the point of beginning.

Subject to easement for drainage and road right-of-way taken, granted, or in use.

Subject to mineral reservation set forth at Deed book 196, page 461 St. Johns County, Florida.

Said land being located: 5275 U.S. #1 South.

The Board of County Commissioners will hear the request on the 2nd day of April, 1996, at 1:30 p.m. Said hearing to be held in the County Auditorium, County Administration Building, Lewis Speedway (County Road 16-A) and US1 North St. Augustine, Florida.

The Modification, FILE NUMBER: Major Modification/R-PSD-93-17, is maintained in the Planning Office, County Administration Building, 4020 Lewis Speedway (County Road 16-A), St. Augustine, Florida, and may be examined by parties in interest prior to said public hearing, and all parties in interest shall be granted an opportunity to be heard of said public hearing.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

CLERK OF COURTS

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

Notice to persons needing special accommodations and to all hearing impaired persons: In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact David Halstead, ADA Coordinator, at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095, not later than 5 days prior to the date of this meeting.

This matter is subject to court imposed quasi-judicial rules of procedure. Interested parties should limit contact with the County Commissioners and Planning & Zoning Agency members on this topic, except with compliance with Resolution 93-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Department, P.O. Drawer 349, St. Augustine, Florida, 32095.

L864 April 4, 1996

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

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Division of Administrative Services
Division of Corporations
Division of Cultural Affairs
Division of Elections
Division of Historical Resources
Division of Library and Information Services
Division of Licensing

MEMBER OF THE FLORIDA CABINET



FLORIDA DEPARTMENT OF STATE
Sandra B. Mortham
Secretary of State
DIVISION OF ELECTIONS

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ST. JOHNS COUNTY

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Carl Markel
CLERK, BOARD OF COMMISSIONERS

April 29, 1996

Honorable Carl Markel
Clerk to Board of County Commissioners
St. Johns County
Post Office Drawer 300
St. Augustine, Florida 32085-0300

Attention: Yvonne Carter, Deputy Clerk

Dear Mr. Markel:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge your letter dated April 25, 1996 and certified copy of St. Johns County Ordinance No. 96-25, which was filed in this office on April 29, 1996.

Sincerely,

Liz Cloud

Liz Cloud, Chief
Bureau of Administrative Code

LC/mw

Ordinance Book 177 Page 542

BUREAU OF ADMINISTRATIVE CODE