

Recorded in Public Records St. Johns County, FL  
Clerk # 98015697 O.R. 1311 PG 163 04:35PM 04/14/1998  
Recording \$21.00 Surcharge \$3.00

ORDINANCE NUMBER : 98-17  
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF  
FLORIDA, REZONING LANDS AS DESCRIBED  
HEREINAFTER FROM ZONING CLASSIFICATION OF  
RG-2, WITH CONDITIONS, ORDINANCE 87-21  
TO RG-2 ; PROVIDING FOR CONDITIONS;  
PROVIDING A SAVINGS CLAUSE; MAKING  
FINDINGS OF FACT; REQUIRING RECORDATION  
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Vestcor Fund IX, Ltd, a Florida Limited Partnership, on behalf of Howard Mizell, owner of land described herein, filed an application for change dated January 9, 1998 for zoning hereinafter described, and after required notice was published a public hearing was held on the 24th day of February, 1998 at 1:30 o'clock PM on said application.

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

SECTION 1. Upon consideration of the application, R-98-004, supporting documents, statements from the applicant, correspondence received by the Planning Department, recommendation of the Planning and Zoning Agency, and statements from the staff and applicant at the public hearing, finds as follows:

1. That the need and justification for approval of the rezoning to RG-2, with conditions 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 it is found that:
  - a. The rezoning is consistent with the development of the properties in the area and is compatible with the desired future development of the area, and;
  - b. The proposed intensity of development is consistent with the uses allowable by the Comprehensive Plan Mixed Use Corridor (MUC) designation, in that the project proposes a development of 120 residential apartment units on 19 acres of land.
  - c. The proposed RG-2 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 rezoning from RG-2 with Conditions to RG-2 with Conditions does not adversely affect the orderly development of St. Johns County as embodied in the

Ordinance Book 21 Page 111

*J. Ket - P. Degrande*  
*- Bill Co - Rec 2100*  
*Sur - 300*

e. At the public hearing of February 5, 1998 the St. Johns County Planning and Zoning Agency recommended approval by unanimous vote..

SECTION 2. Pursuant to the application of Vestcor Fund IX, Ltd., a Florida limited partnership, as authorized by the record title owner(s), Howard Mizell, of the subject land, the zoning classification of RG-2 With Conditions, Ordinance 87-21, on the following described land:

Exhibit A, attached hereto

is hereby changed to RG-2, subject to the following conditions:

1. Use restricted to a residential apartment community containing a maximum of 120 units in 5 buildings with amenities and accessory uses such as leasing office, pool, and playgrounds. A portion of the property may also be used for a park that may be owned and maintained by the owner of the apartment community or that may be dedicated to the County.
2. The Development to be generally consistent with the "Preliminary Site Plan" Exhibit "B" attached hereto and made a part hereof, as submitted with the rezoning application.
3. Ingress and egress will be provided by an entrance from Old Moultrie Road, as shown on the "Preliminary Site Plan".
4. A minimum twenty foot wide vegetated buffer will be provided along the western and southern property boundary.
5. The project will comply with all other requirements of the RG-2 zoning district.

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

SECTION 4. 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.

SECTION 5. This Ordinance shall take effect upon receipt by Secretary of State.

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 property owner listed in Section 1 hereof.

SECTION 7. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed in the office of Planning, by the Planning Director or his designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 14th DAY OF February 1998.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Moses A. Floyd  
Its Chair

ATTEST: CHERYL STRICKLAND, CLERK

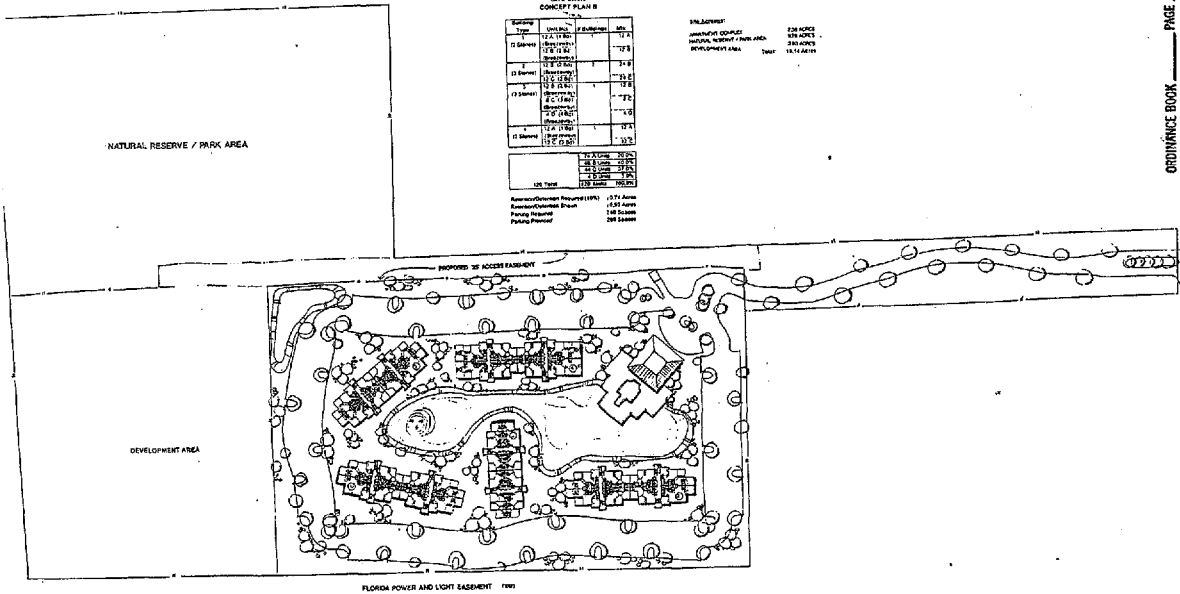
BY: Patricia DeGrande  
Deputy Clerk

EFFECTIVE DATE: 3-2-98



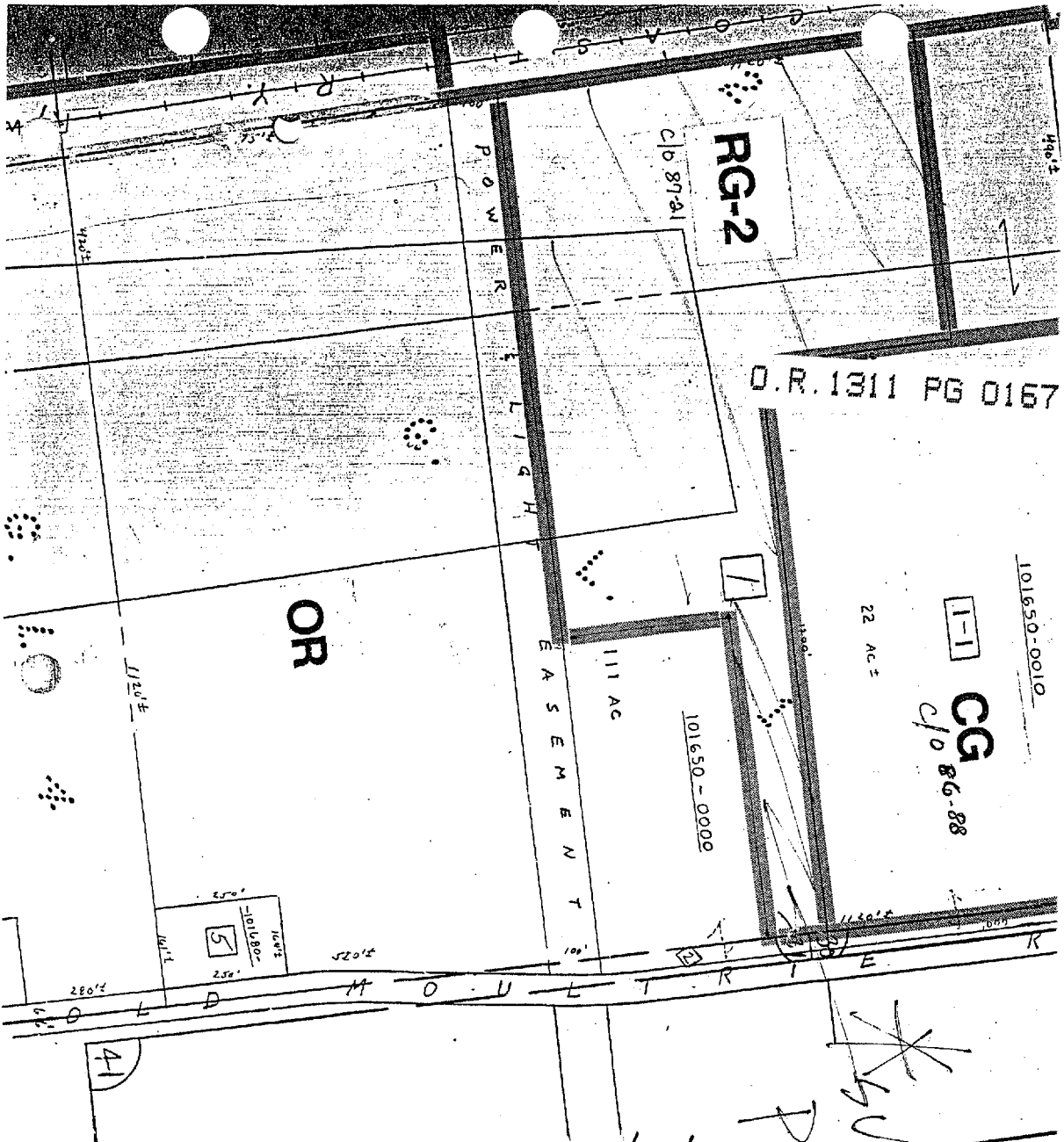


ST. AUGUSTINE SITE - MOULTRIE ROAD



ORDINANCE BOOK PAGE

Ordinance Book 21 Page 114



*\*Subject Property*

Ordinance Book 21 Page 115

**RG-2**

D.R. 1311 PG 0167

**OR**

**CG**  
c/o 8-6-88

C/D 87-21

111 AC

101650-0000

101650-0010

22 AC ±

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1647  
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41

# 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 \_\_\_\_\_

Sandra D. Oliver \_\_\_\_\_ 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 Proposed Rezoning

in the matter of \_\_\_\_\_ Feb 24, 1998 1:30pm

in the \_\_\_\_\_ Court, was published in said newspaper in the

issues of \_\_\_\_\_ Jan 14, 1998

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 23 day of Jan, 1998,

by Sandra D. Oliver who is personally

known to me or who has produced \_\_\_\_\_ as

identification.



Zoe Ann Moss  
MY COMMISSION # CC841814 EXPIRES  
August 22, 2001  
BONDED THRU TROY FAIN INSURANCE, INC.

Zoe Ann Moss  
(Signature of Notary Public)

(Seal)

Zoe Ann Moss

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

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AP19526

## COPY OF ADVERTISEMENT

### NOTICE OF PROPOSED REZONING

Notice is hereby given that the Board of County Commissioners of St. Johns County, Florida, at its regular meeting on the 24th day of February, 1998, at 1:30 p.m. in the County Auditorium, County Administration Building, Lewis Speedway (County Road 16-A and US1 North, St. Augustine, Florida), will consider 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 with conditions to RG-2 with conditions 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 Howard Mizell c/o Gary B. Davernport owners of the following described land, zoning classification of RG-2 with conditions, on the following described lands:

EXHIBIT A

A parcel of land in Section 36, Township 7 South, Range 29 East, and in Section 31, Township 7 South, Range 30 East, St. Johns County, Florida, containing 19.1451 acres, more or less, and being more fully described as follows:

Commencing at the intersection of the North line of said Section 36 with the East right of way line for the Florida East Coast Railway, said right of way line being 75 feet Easterly from and parallel with the centerline of said right of way; thence South 3 degrees 36 minutes 00 seconds East, on said right of way line, 270.60 feet to the point of beginning of the Northwest corner of the herein described parcel of land; thence North 87 degrees 46 minutes 30 seconds East 609.52 feet; thence South 1 degree 08 minutes 26 seconds East 389.43 feet; thence North 87 degrees 46 minutes 30 seconds East 30 seconds East 220.00 feet; thence South 1 degree 08 minutes 26 seconds East, on the West right of way line for State road No. 45A (Old Maultrie Road); said right of way being 66 feet in width, a distance of 106.02 feet; thence South 87 degrees 46 minutes 30 seconds West 665.00 feet; thence South 1 degree 08 minutes 26 seconds East 387.50 feet; thence South 88 degrees 49 minutes 31 seconds West on the North line of a 100 foot wide Florida Power and Light Company easement, 1,107.55 feet; thence North 3 degrees 36 minutes 00 seconds West, on said East right of way line for railway, 856.74 feet to the point of beginning.

IS HEREBY CHANGED TO: RG-2 with conditions 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: The 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.

COMMISSIONERS OF ST. JOHN'S COUNTY, FLORIDA  
 By: CHERYL STRICKLAND, 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 assure that a verbal record of the proceedings is made which records the judge's testimony and evidence upon which appeal is to be based.  
 Interested parties may appear at the meeting and be heard with respect to the proposed request.  
 County documents specifically related to this matter are available for public inspection and reproduction (at cost) in the office of the St. Johns County Planning Department.  
 Notice to persons needing special accommodations and to all hearing impaired persons in accordance with the Americans with Disabilities Act, persons needing special accommodations or an interpreter to participate in this proceeding should contact David Holstead, ADA Coordinator at (904) 823-2500 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida 32095, not later than 30 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 95-126 to properly noticed public hearings or to written communication care of St. Johns County Planning Department, P.O. Drawer 349, St. Augustine, Florida 32095.  
 Subject to a proper and timely objection of a party at the beginning of the hearing, the records of the Planning & Zoning hearing of this matter, including the tape recording of the proceedings, before the Planning & Zoning Agency, shall be part of the record and file of this matter submitted to the Board of County Commissioners for its consideration in this hearing.  
 The Planning & Zoning Agency record and file of this case is available for review by the public in the Planning Department and/or office of the Clerk to the County Commission located at the St. Johns County Administration Complex, 4020 Lewis Speedway (County Road 16-A and US1 North), St. Augustine, Florida 32095.  
 1975 Jan. 14, 1976