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2887  
ORDINANCE NUMBER : 2001 - 10

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO RESIDENTIAL, SINGLE FAMILY (RS-1); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, James Skinner, on behalf of Janice Harris and Cheryl A. Hakes, the owners of lands described herein, filed an application for a zoning change dated September 25, 2000, as described hereinafter, and after required notice was published, a public hearing was held on the 23rd day of January 2001, at 1:30 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, supporting documents, statements from the applicant, correspondence received by the Growth Management Service Department, recommendation of the Planning and Zoning Agency, and comments from the staff and applicant at the public hearing, finds as follows:

1. The request for this rezoning has been fully considered after public hearing pursuant to legal notice as required by Florida law and the St. Johns County Land Development Code.
2. The rezoning to RS-1 (Residential Single-Family) does not adversely affect the orderly development of St. Johns County as embodied in the St. Johns County Land Development Code and the St. Johns County Comprehensive Plan.
3. The zoning district designation will accomplish the objectives, standards and criteria of the St. Johns County Land Development Code.
4. The rezoning is consistent with the development patterns in the area and is compatible with the desired future development of the area.
5. The proposed intensity of development is consistent with the uses allowed by the Comprehensive Plan designation of A-Residential Coastal.
6. Expert witness testimony has been provided demonstrating the safety of the design of the proposed access and project entrance.

**SECTION 2.** Pursuant to the application of the zoning classification of Open Rural (OR) of the following described land:

See attached **EXHIBIT A.**

is hereby changed to **RESIDENTIAL, SINGLE FAMILY (RS-1).**

**SECTION 3.** Except to the extent that they conflict with any specific provisions of this Ordinance, all building code, 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 of property pursuant to this rezoning.

**SECTION 4.** This Ordinance shall take effect upon receipt by Secretary of State.

**SECTION 5.** This Ordinance shall be recorded in a book kept and maintained by the by the Clerk of the Board of County Commissioners of St. Johns County, Florida, in accordance with Section 125.68, Florida Statutes.

**SECTION 6.** Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas filed maintained in the Growth Management Services Department by the Planning Director or designee.

**PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 23rd DAY OF JANUARY, 2001.**

**BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA**

BY: Mary F. Kohnke  
Mary F. Kohnke, Chair

**ATTEST: CHERYL STRICKLAND, CLERK**

BY: Cheryl Strickland  
Deputy Clerk

**EFFECTIVE DATE:** 01-30-01

**EXHIBIT A**

Legal description as provided to this firm in Title Commitment by Stewart Title Guaranty Company dated April 23, 1997@5:00 p.m.:

**PARCEL 1:**

That certain piece, parcel or tract of land, situate, lying and being a part of the Pedro R. De Cala Grant, Section 49, Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows: For a Point of Reference, COMMENCE at the Northeast corner of the Ben Chaires Grant, Section 51, of said Township and Range; thence North 84°17'00" East, along the Southerly line of said Pedro R. De Cala Grant, a distance of 1,366.20 feet; thence North 05°38'00" West, along the Easterly line of said Grant, a distance of 1,017.86 feet to the POINT OF BEGINNING; thence continuing North 05°38'00" West, along said Easterly line of said Pedro R. Cala Grant, a distance of 317.78 feet; thence South 84°18'00" West, along the Northerly line of said Grant, a distance of 1,441.06 feet; thence South 41°20'05" East, a distance of 115.27 feet; thence South 15°31'56" East, 149.30 feet; thence South 10°36'16" East, a distance of 77.27 feet; thence North 84°18'00" East, a distance of 1,341.43 feet to the POINT OF BEGINNING.

**PARCEL 2:**

A part of the Pedro R. De Cala Grant, Section 49, Township 4 South, Range 29 East, St. Johns County, Florida, more particularly described as follows: For a Point of Reference COMMENCE at the Northeast corner of the Ben Chaires Grant, Section 51, of said Township and Range; thence North 84°17'00" East, along the South line of said Pedro R. De Cala Grant, a distance of 1,366.20 feet; thence North 05°38'00" West, along the East line of said Pedro R. De Cala Grant, a distance of 675.64 feet to the POINT OF BEGINNING; thence continue North 05°38'00" West, along said East line, a distance of 342.22 feet; thence South 84°18'00" West, a distance of 1,341.43 feet; thence South 10°36'16" East, a distance of 50.32 feet; thence South 02°07'23" East, a distance of 142.36 feet; thence North 84°18'00" East, a distance of 721.36 feet; thence South 05°42'00" East, a distance of 150 feet; thence North 84°18'00" East, a distance of 624.26 feet to the POINT OF BEGINNING.

St. Johns County Planning Department  
 4020 Lewis Speedway  
 St. Augustine, FL 32095  
 (904) 823-2480

APPLICATION FOR PLANNING/ZONING HEARING

Date \_\_\_\_\_ File # \_\_\_\_\_ Parent # \_\_\_\_\_ Receipt # \_\_\_\_\_

1. Project Name Ponte Vedra Pointe

Also Known As \_\_\_\_\_

2. Applicant's Name, Address, and Phone # James M. Skinner, c/o/ Hill, Boring, Dunn & Associates, Inc., 7950 Belfort Parkway, Ste. 1600, Jacksonville,

3. Owner's Name, Address, and Phone # See attached Florida 32256

4. Property Location 258 South Roscoe Boulevard, Ponte Vedra Beach

5. Legal Description See attached

6. Present Use of Property Stables

7. Parcel # 068933-0000 & 068940-0000 8. Zoning OR 9. Comp Plan A

10. Section 49 11. Township 4 South 12. Range 29 East 13. TAZ 117

14. Requested Change Re-zoning to RS-1

15. Reason Change is Requested To allow the development of a 17 lot subdivision on a 19 acre parcel of land.

16. Statement of Facts for Requested Change See attached

17. Concurrency Required Yes 18. Map Page # 4B22X 19. Road Segment 42

20. Size of Property 19.08 Acres

NOTE: If the application is for a rezoning or major modification, please provide the name of the in the Utility Company/Companies servicing the proposed project Florida Water Services

21. Attach the following to application:

- a. List of adjacent property owners within 300 feet showing name, address and brief legal description from current tax rolls; address one long envelope to each person on the list, no return address needed, but proper postage on each. Two envelopes are needed if the application requires two public hearings.
- b. Proof of ownership (deed or certificate by lawyer or abstract company or title company that verifies record owner as above). If the applicant is not the owner, a letter of authorization from the owner(s) for applicant to represent the owner for all purposes related to this application.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

Signature of all owners or authorized person if letter of authorization is attached:

Printed or typed name(s): James M. Skinner

Signature(s): *James M. Skinner*

ADDRESS & TELEPHONE NUMBER OF PERSON TO RECEIVE ALL CORRESPONDENCE

REGARDING THIS APPLICATION: Name: James M. Skinner Phone: (904) 281-1121

Mailing Address: 7950 Belfort Parkway, Ste. 1600- Fax: (904) 281-0971

Form #001 Jacksonville, FL 32256

STATEMENT OF FACTS FOR REQUESTED CHANGE

The existing parcel has an area of 19.08 acres. The existing zoning is O.R., which allows for 1 acre lots. In the Comp Plan this is in zone "A" which allows 1 dwelling unit per acre. There are approximately 3.30 acres of wetlands we are proposing to preserve on the site.

In order to best utilize the parcel we are requesting RS-1 zoning for a proposed 17 lot subdivision. By planning on 17 lots we stay within the requirements of the Comp Plan.

OWNER'S AUTHORIZATION  
FOR AGENT

James M. Skinner \_\_\_\_\_ is hereby authorized to act on behalf of  
Andrew H. Williams &  
Michael Braren \_\_\_\_\_, owner(s) of the property described in the foregoing application,  
and as described in attached deed or other proof of ownership, in applying to St. Johns County,  
Florida, for a Zoning Hearing:  X  Rezoning \_\_\_\_\_ Variance \_\_\_\_\_  
\_\_\_\_\_ Exception \_\_\_\_\_ Concurrency \_\_\_\_\_  
Other \_\_\_\_\_

and in making representations to St. Johns County related to the application. In authorizing the agent  
named above to represent me, or my company. I attest the application is made in good faith and that  
my information contained herein is accurate and complete to the best of my knowledge and belief.

BY: Andrew H. Williams  
Signature of Owner(s)  
Michael Braren  
Signature of Owner(s)

Andrew H. Williams  
Print Name(s)  
14603 Beach Boulevard  
Address  
Jacksonville, FL 32250

Michael Braren  
9551 Baymeadows Rd. Ste., 4  
Jacksonville, FL 32256

(904) 223-4557  
= Telephone Number

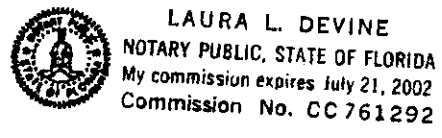
(904) 739-2249

State of \_\_\_\_\_  
County of \_\_\_\_\_

Signed and sworn to before me on 20 day of September, 1999.  
by Andrew Williams & Michael Braren

Identification Presented: Personally Known  
Oath taken: ✓ Yes \_\_\_\_\_ No

Laura Devine  
Notary Signature



My commission expires:

**ST. JOHNS COUNTY, FLORIDA**  
**Board of County Commissioners**

Growth Management Services  
 Planning Division  
 PHONE (904) 823-2480  
 FAX (904) 823-2498

Post Office Drawer 349  
 Saint Augustine, Florida 32095-0349



January 09, 2001

**FILE**

James M. Skinner  
 Hill, Boring, Dunn & Associates, Inc.  
 7950 Belfort Parkway, Suite 1600  
 Jacksonville, Florida 32256

**Re: Vesting Determination related to proposed rezoning known as Ponte Vedra Pointe,  
 located at 256 South Roscoe Boulevard**

Dear Mr. Skinner:

The Planning Division has received your request for a vesting determination related to the proposed rezoning of an approximately 19-acre property located at 256 South Roscoe Boulevard. The subject property is currently zoned Open Rural (OR), and the 2015 Future Land Use Map designation is A-Residential Coastal. Based upon the rezoning fee receipt, this rezoning application was formally received by St. Johns County on September 25, 2000.

You have specifically requested that this project be vested to allow a seventeen-unit residential subdivision, with the number of allowable units being derived through the application of a Wetland Density Bonus as calculated under the provisions of Part 5.08 of the Land Development Code as stated in that section prior to certain revisions that were adopted on October 10, 2000. The Planning Division cannot find that vested rights to allow more units than are allowed by the current Land Development Code and Comprehensive Plan have been demonstrated.

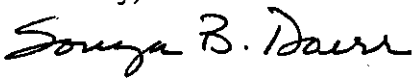
It is Staff's position that the changes to Section 5.08.03 are a clarification of policies of the Future Land Use Element of the 1990 Comprehensive Plan, Ordinance 90-53, which was adopted September 14, 1990. The Future Land Element, at that time, established that the density bonus should be equal to the "lesser" of the two methods by which to calculate the Wetland Density Bonus. The new Land Development Code, which initially became effective September 15, 1999, did not clearly restate this Comprehensive Plan provision, thus the revision to Section 5.08.03. It was not the intent, however, of the initial Land Development Code to increase the Wetland Density Bonus as established by the Future Land Use Element of the 1990 Comprehensive Plan. I also wish to note that this change to Section 5.08.03 was first considered at public hearing on September 12, 2000, prior to the filing of this rezoning application.

Page two  
Mr. Skinner  
January 09, 2001

Furthermore, the application under consideration is a "straight" rezoning from Open Rural (OR) to Residential, Single-Family (RS-1). While the property owner may anticipate certain development, a change in zoning district designation does not entitle a property to any specific development rights, and it does not authorize or approve any detailed or specific plan of development. If the rezoning is approved, development of the property will be subject to all applicable land development regulations in effect at the time Plat approval and Development Permits are sought. Similarly, while a Certificate of Concurrence is required prior to rezoning, the Certificate of Concurrence does not approve a plan of development.

This determination may be appealed to the St. Johns County Board of County Commissioners pursuant to Section 10.02.02.D of the Land Development Code. Any appeal must be filed with the Planning Division within thirty (30) days from the date of this letter. Please feel free to call me at 823-2344 with any questions you may have.

Sincerely,



Sonya B. Doerr, AICP  
Chief Planner

Concur:



Scott A. Clem, AICP  
Director of Growth Management Services

cc: Teresa Bishop, AICP, Planning Director  
Dan Bosanko, Deputy County Attorney

Attachments

T:\CURRENT PLANNING\Vesting Letters\Ponte Vedra Pointe.Doc



# THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING 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 **LINDA Y MURRAY**  
who on oath says that she is an 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 **R 00 035**

## PONTE VEDRA POINTE

in the Court, was published in said newspaper in the issues of  
**JANUARY 9, 2001**

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, for a period of one year 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 **10<sup>TH</sup>** day of **JANUARY** 2001,

by Linda Y Murray who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss  
(Signature of Notary Public)



Zoe Ann Moss  
MY COMMISSION # 06641811 EXPIRES  
August 22, 2001  
BONDED THRU TROY FAIR INSURANCE, INC.

Zoe Ann Moss

COPY OF ADV

NOTICE OF A PROPOSED REZONING NOTICE IS HEREBY GIVEN that a public hearing will be held on the 23rd day of January, 2001 at 1:30 p.m. by the Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US 1 North, St. Augustine, Florida, to consider rezoning of land located at 256 South Roscoe Boulevard more particularly described as follows:

**EXHIBIT "A"**  
Legal description as provided to this firm in Title Commitment by Stewart Title Guaranty Company dated April 23, 1997 @ 5:00 p.m.:

**PARCEL 1:**  
That certain piece, parcel or tract of land, situate, lying and being a part of the Pedro R. De Cala Grant, Section 49, Township 4 South, Range 29 East, St. Johns County, Florida, being more particularly described as follows: For a Point of Reference, COMMENCE at the Northeast corner of the Ben Chaires Grant, Section 51, of said Township and Range; thence North 84 degrees 17'00" East, along the Southerly line of said Pedro R. De Cala Grant, a distance of 1,366.20 feet; thence North 05 degrees 38'00" West, along the Easterly line of said Grant, a distance of 1,017.86 feet to the POINT OF BEGINNING; thence continuing North 05 degrees 38'00" West, along said Easterly line of said Pedro R. De Cala Grant, a distance of 317.78 feet; thence South 84 degrees 18'00" West, along the Northerly line of said Grant, a distance of 1,441.06 feet; thence South 41 degrees 20'05" East, a distance of 115.27 feet; thence South 15 degrees 31'56" East, 149.30 feet; thence South 10 degrees 36'16" East a distance of 77.27 feet; thence North 84 degrees 18'00" East, a distance of 1,341.43 feet to the POINT OF BEGINNING.

**PARCEL 2:**  
A part of the Pedro R. De Cala Grant, Section 49, Township 4 South, Range 29 East, St. Johns County, Florida, more particularly described as follows: for a Point of Reference COMMENCE at the Northeast corner of the Ben Chaires Grant, Section 51, of said Township and Range; thence North 84 degrees 17'00" East, along the South line of said Pedro R. De Cala Grant, a distance of 1,366.20 feet; thence North 05 degrees 38'00" West, along the East line of said Pedro R. De Cala Grant, a distance of 675.64 feet to the POINT OF BEGINNING; thence continue North 05 degrees 38'00" West, along said East line, a distance of 342.22 feet; thence South 84 degrees 18'00" West, a distance of 1,341.43 feet; thence South 10 degrees 36'16" East, a distance of 50.32 feet; thence South 02 degrees 07'23" East, a distance of 142.36 feet; thence North 84 degrees 18'00" East, a distance of 721.36 feet; thence South 05 degrees 42'00" East, a distance of 150 feet; thence North 84 degrees 18'00" East, a distance of 624.26 feet to the POINT OF BEGINNING.

The aforementioned property is currently zoned Open Rural (OR) and it is proposed it be rezoned to RS-1.

The application for rezoning, FILE NUMBER R-00-035 (Ponte Vedra Pointe), is maintained in the Growth Management Services, Planning Division, County Administration Building, St. Augustine, Florida, and may be examined by interested parties prior to said public hearing, and all interested parties shall be granted an opportunity to be heard at said public hearing.

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 Halstead,  
ADA Coordinator, at (904)  
823-2500 or at the County  
Administration Building,  
4020 Lewis Speedway, St.  
Augustine, Florida, 32095.  
For hearing impaired  
Individuals: Florida Relay  
Service: 1-800-955-8770, no  
later than 5 days prior to the  
date of this meeting.

If a person decides to  
appeal any decision made  
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 appeal is to be based.  
It is anticipated that one or  
more St. Johns County  
Commissioners may attend  
and participate in the  
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 notice  
public hearings or to written  
communication care of St.  
Johns County Planning  
Department, P.O. Drawer  
349, St. Augustine, Florida,  
32095.

BOARD OF COUNTY  
COMMISSIONERS  
ST. JOHNS COUNTY  
FLORIDA  
BY: Mary F. Kohnke, Clerk  
FILE NUMBER R 00 035  
Ponte Vedra Point  
L57-1, Jan 9, 2007