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Public Records of
St. Johns County, FL
Clerk# 02-031960
O.R. 1765 PG 1270
08:50AM 06/03/2002
REC \$21.00 SUR \$3.00

ORDINANCE NUMBER: 2002 - 29

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF PLANNED SPECIAL DEVELOPMENT (PSD) TO COMMERCIAL, GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Max J. Finklestein, the owner of lands described herein, filed an application (File Number REZ 2002-05) for a zoning change dated February 28, 2002, as described hereinafter, and after required notice was published, a public hearing was held on the 21st day of May, 2002, at 1:30 p.m. 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 Services 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 rezoning has been fully considered after public hearing with legal notice duly published as required by law.
2. The rezoning is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to adjacent land uses. (Objective A.1.3)
 - (b) The rezoning contributes to a mixture of land uses within a designated Mixed Use District. (Objective A.1.9)
 - (c) The rezoning encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
3. The rezoning to Commercial General (CG) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Commercial General (CG) is consistent with the land uses allowed in the land use designation of Mixed Use District (Md) as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application (File Number REZ 2002-05) the zoning classification of Planned Special Development (PSD) of the lands described within the legal description, attached as **EXHIBIT A,**

is hereby changed to Commercial General (CG)

SECTION 3. To the extent that they do not conflict with the specific and detailed provisions of this Ordinance, all provisions of the Land Development Code as such may be amended from time to time shall be applicable to development of property referenced herein except to the degree that development may qualify for vested rights in accordance with applicable ordinances and laws. Notwithstanding any provision of this ordinance, no portion of any concurrency provision or impact fee ordinance, building code, Comprehensive Plan or any other non Land Development Code ordinance or regulation shall be deemed waived or varied by any provision herein.

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

Jack R. Platt
BCC Secty
(Bill Co-)

Ordinance Book 28 Page 567

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 21 DAY OF May, 2002 .

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: James E. Bryant
James E. Bryant, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

RENDITION DATE May 22, 2002

EFFECTIVE DATE: May 23, 2002

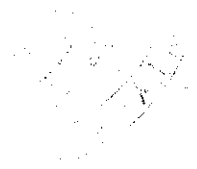


EXHIBIT A

P.U.D. OFF. REC.
BOOK H PAGE 638

DESCRIPTION:

A PARCEL OF LAND IN SECTION 6, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, CONTAINING 0.6040 ACRE MORE OR LESS AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE WEST LINE OF SAID SECTION 6 WITH THE CENTERLINE OF COUNTY ROAD 208; THENCE SOUTH 73 DEGREES 56 MINUTES 00 SECONDS EAST, ON SAID CENTERLINE OF COUNTY ROAD, 3,888.52 FEET; THENCE NORTH 35 DEGREES 36 MINUTES 46 SECONDS EAST, TO THE NORTHERLY LINE OF SAID ROAD AND CONTINUING ON THE EAST LINE OF THAT LAND DESCRIBED IN DEED RECORDED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, PUBLIC RECORDS OF SAID COUNTY, 267.71; THENCE NORTH 36 DEGREES 13 MINUTES 17 SECONDS WEST, ON THE NORTHEAST LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, A DISTANCE OF 21.05 FEET TO THE POINT OF BEGINNING AT THE MOST SOUTHERLY CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUING NORTH 36 DEGREES 13 MINUTES 17 SECONDS WEST, ON SAID NORTHEAST LINE OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 875, PAGE 1001, A DISTANCE OF 105.25 FEET; THENCE NORTH 35 DEGREES 36 MINUTES 46 SECONDS EAST 263.11 FEET; THENCE SOUTH 36 DEGREES 13 MINUTES 17 SECONDS EAST, ON THE SOUTHWEST RIGHT OF WAY LINE OF STATE ROAD 16, A 200 FOOT WIDTH RIGHT OF WAY, 105.25 FEET; THENCE SOUTH 35 DEGREES 36 MINUTES 46 SECONDS WEST 263.11 FEET TO THE POINT OF BEGINNING.

FILED AND RECORDED
95 JUL 26 PM 4:44
Clerk of Circuit Court
Paul "Buddy" Minkley

Ordinance Book 11 Page 282

ORDINANCE BOOK 28 PAGE 569



ST. JOHNS COUNTY

Application For Rezoning

RECEIVED

FEB 28 2002

ST. JOHNS COUNTY PLANNING DEPARTMENT

FROM PSD TO CG

DATE 3-26-02

PROJECT NAME: MAX

OWNER/APPLICANT: Max J. Finklestein

ADDRESS: 3594 S. Ocean Blvd., #306
Highland Beach, FL 33487

PHONE: 561-274-6944 FAX: 561-274-6986

ENGINEERING FIRM: N/A

(If Applicable) ADDRESS: N/A

PHONE: N/A FAX:

CONTACT PERSON: N/A

PLANNER:

ADDRESS:

PHONE: FAX:

PROPERTY APPRAISERS PARCELNO. 087420-0040

SECTION: 6 TOWNSHIP: 7 SOUTH RANGE: 29 EAST

CENSUS TRACT: PROPERTY APPRAISERS MAP SHEET: 4E6SX, Parcel 4-4

LOCATION: 2565 State Road 16, St Augustine, FL 32092

911 ADDRESS (IF KNOWN)

CITY STATE ZIP CODE

TAZ N/A MAJOR ACCESS I-95 & S.R.16

OVERLAY DISTRICT? N/A IF YES, WHICH ONE N/A
March 22, 2001 10-5

ZONE CLASS PSD COMP. PLAN DSGN MIXED USE DISTRICT

PRESENT USE OF PROPERTY: Retail Sales outlet for boots, mocassins, western wear, belts & shoe polish.
WATER/SEWER: YES

WHO WILL MAINTAIN ROADS (IF A SUBDIVISION) N/A

WHO WILL MAINTAIN DRAINAGE: Owner on owners private property

TYPE OF DEVELOPMENT: single building, 44'X 92' with 20 parking spaces.

ACRES: 0.6 acre NUMBER OF LOTS/ UNITS: 1 SQ. FOOTAGE 4,048
(SIZE OF PROPERTY) (IF SUBDIVISION) (OF EACH BUILDING)

ACRES TO BE CLEARED: 0, N/A 1/4 MILE INCREMENTS OF ROADWAY: N/A

IS THE PROJECT WITHIN THE COASTAL BUILDING ZONE? YES NO XXX

IS THE PROJECT SEAWARD OF CCCL? YES NO XXX

PROJECT NARRATIVE (ADDITIONAL SHEETS MAY BE ATTACHED):

The existing location is a 44'X 92' one story building, placed on a parcel of land containing 0.6 acre on the south side of S.R.16, west of Scottish Inn, on the W. side of the intersection of S.R.16 and I-95. There are 20 parking spaces, including one handicap space and one space near the south end of the building shall be used for loading and unloading during non-business hours. Landscaping is per County code and water management is with dry retention which is also part of the "green area".

Water and Sanitary Sewer is supplied by St. Johns County, the electric and telephone by private utilities.

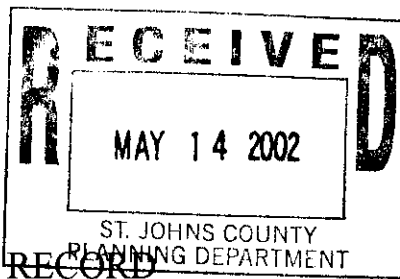
Maximum lot coverage of bldg and other impervious surfaces is:

1. Building:	4,048 S.F.	15.4%
2. Driveways and Walks:	9,578 S.F.	36.4%
Total Impervious:	13,626 S.F.	51.8%
Total Parcel Area:	26,311 S.F.	100%



HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN ST. JOHNS COUNTY, FLORIDA. I, DAY OF March 2002 WITNESS MY HAND AND OFFICIAL SEAL. CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners
BY: Robert A. Elbert, D.C.

CHANGING THE USE OF THE PROPERTY FROM PSD to CG IS AN ORDERLY PART OF THE COMMERCIAL DEVELOPMENT AROUND THE HWY INTERSECTION AND FITS WELL WITH THE EXISTING OUTLET STORES AND OTHER COMMERCIAL BUSINESSES IN THE VICINITY.



COPY OF ADVERTISEMENT

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

PROPOSED REZONING NOTICE

In the matter of REZ 2002-05

MAX FINKLESTEIN 2565 STATE ROAD 16

in the Court, was published in said newspaper in the issues of

MAY 2, 2002

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 7TH day of MAY 2002 by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

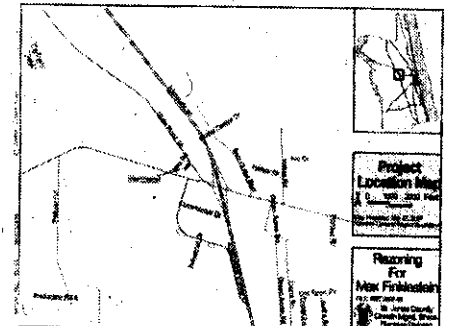
[Signature of Zoe Ann Moss]

(Signature of Notary Public)

(Seal)

Zoe Ann Moss

NOTICE OF A PROPOSED REZONING NOTICE IS HEREBY GIVEN that a public hearing will be held on the Tuesday, May 21, 2002, at 1:30 p.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway (County Road 16-A) and US1 North, St. Augustine, Florida, to consider an ordinance to rezone lands from PSD (Planned Special Development) to CG (Commercial, General). The subject property is located 2565 State Road 16 within St. Johns County, Florida. See attached general location map Exhibit A.



This file is maintained in the Planning Division of the Growth Management Services Department, at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, and may be examined by interested parties prior to 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, 32084. For hearing impaired individuals, call Florida Relay Service at 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.

This matter is subject to court imposed quasi-judicial rules of procedures. Interested parties should limit contact with the Board of County Commissioners 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 Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA JAMES E. BRYANT, CHAIRMAN FILE NUMBER: REZ 2002-05 Max Finklestein L935-2 May 2, 2002

DIVISIONS OF FLORIDA DEPARTMENT OF STATE

Office of the Secretary
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

Katherine Harris

Secretary of State

DIVISION OF ELECTIONS

HISTORIC PRESERVATION BOARDS

Historic Florida Keys Preservation Board
Historic Palm Beach County Preservation Board
Historic Pensacola Preservation Board
Historic St. Augustine Preservation Board
Historic Tallahassee Preservation Board
Historic Tampa/Hillsborough County
Preservation Board
RINGLING MUSEUM OF ART

May 29, 2002

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

Attention: Patricia DeGrande
Minutes and Records Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated May 22, 2002 and certified copy of Ordinance No. 2002-29, which was filed in this office on May 23, 2002.

Sincerely,

Liz Cloud, Chief
Bureau of Administrative Code

LC/mp

FILED
02 MAY 31 PM 12:42
OFFICE OF THE CLERK
ST. JOHNS COUNTY
ST. AUGUSTINE, FLORIDA

ORDINANCE BOOK 28 PAGE 573

BUREAU OF ADMINISTRATIVE CODE

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