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ORDINANCE NUMBER: 2003-82

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

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

WHEREAS, David F. and Elizabeth P. Powell, the owners of lands described herein, incorporated by reference as Exhibit "A", (legal description), filed an application, incorporated by reference as File Number REZ 2003-10 for a zoning change dated May 9, 2003, as described hereinafter, and after required notice was published, a public hearing was held on the 7<sup>th</sup> day of October, at 1:30 on said application.

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 the general public 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 to Industrial Warehousing (IW) 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 (Md). (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)
  - (d) The proposed project is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
3. The rezoning to Industrial Warehousing (IW) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Industrial Warehousing (IW) 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.

For Ret BCC Secty  
Y. King

SECTION 2. Pursuant to this application File Number REZ 2003-10 the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to Industrial Warehousing (IW).

SECTION 3. To the extent that they do not conflict with the unique, 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 the Secretary of State.

SECTION 5. This Ordinance shall be recorded in a book kept and maintained 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 07 DAY OF October, 2003.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

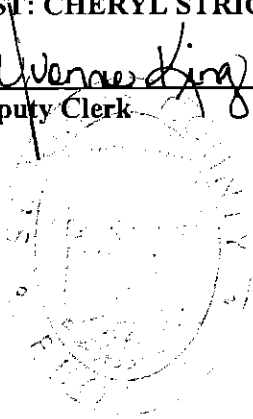
BY: James E. Bryant  
James E. Bryant, Chairman

RENDITION DATE October 10, 2003

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland  
Deputy Clerk

EFFECTIVE DATE: 10-13-03



Public Records of  
St. Johns County, FL  
Clerk# 01-026469  
O.R. 1607 PG 1076  
02:52PM 05/31/2001  
REC \$5.00 SUR \$1.00  
Doc Stamps \$583.80

Prepared by:  
David F. Powell  
1365 Old Moultrie Road  
St. Augustine, Florida 32086

Parcel Account Number: 099510-0112

OR2087PG 863

# WARRANTY DEED

THIS INDENTURE made this 31 day of May, 2001 BETWEEN DAVID F. POWELL, joined by his wife ELIZABETH P. POWELL, GRANTOR\*, whose post office address is 880 White Eagle Circle, St. Augustine, Florida 32086, and DAVID F. POWELL and ELIZABETH P. POWELL, husband and wife, GRANTEE\*, whose post office address is 880 White Eagle Circle, St. Augustine, Florida 32086.

WITNESSETH, that said Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the grantee and grantee's heirs forever the following described land located in the County of St. Johns, State of Florida, to-wit:

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 an 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 North 00 degrees 37 minutes 00 seconds West along said East right-of-way 431.95 feet to the POINT OF BEGINNING for the herein described parcel; thence continue North 00 degrees 37 minutes 00 seconds West along said East right-of-way line 123.90 feet; thence North 89 degrees 23 minutes 00 seconds East 429.10 feet; to the West right-of-way line of the Florida East Coast Railroad; thence South 03 degrees 34 minutes 43 seconds East along said West right-of-way line 126.06 feet; thence South 89 degrees 23 minutes 30 seconds West 435.61 feet to POINT OF BEGINNING.

SUBJECT TO Covenants, Restrictions, Easements of Record, if any, and all taxes the year 2001 and thereafter.

and said grantor does hereby fully warrant the title to said land, and will defend the same the lawful claims of all persons whomsoever.

\*Singular and plural are interchangeable, as context requires.

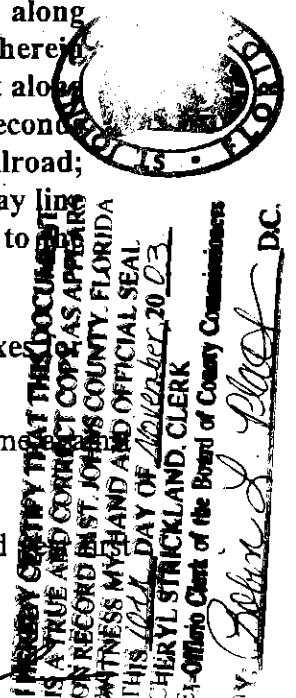
IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and above written.

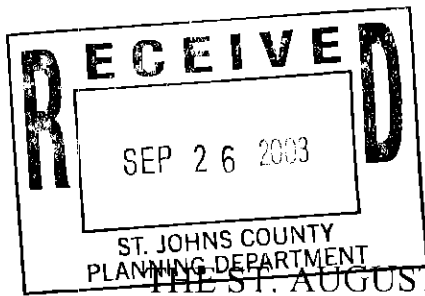
WITNESSES

Stacey E Perkins  
Witness: Stacey E Perkins

David F Powell  
DAVID F. POWELL

Ma. b. Nash ORDINANCE BOOK 32 PAGE 317





COPY OF ADVERTISEMENT

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 FILE # REZ 2003-10

POWELL HEATING & A/C 2610 DOBBS ROAD

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

SEPTEMBER 22, 2003

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.

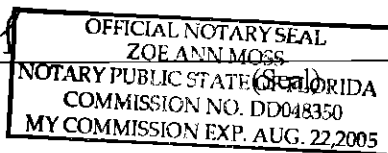
Sworn to and subscribed before me this 22<sup>ND</sup> day of SEPTEMBER 2003

by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

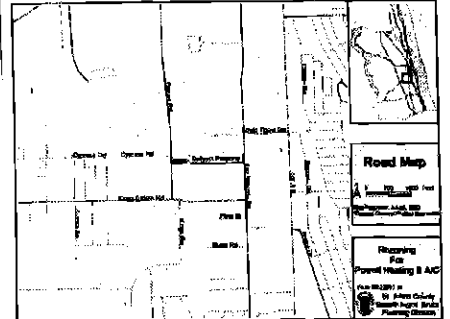
[Signature of Zoe Ann Moss]

(Signature of Notary Public)

Zoe Ann Moss



NOTICE OF A PROPOSED REZONING NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, October 7, 2003 at 1:30 p.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to rezone from Commercial Intensive (CI) with conditions to Industrial Warehousing (IW). The subject property is located at 2610 Dobbs Road within St. Johns County Florida.



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 or the Planning and 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 Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA JAMES E. BRYANT, CHAIRMAN FILE NUMBER: REZ 2003-10 Powell Heating & A/C L2098-3 Sept 22, 2003