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9931  
ORDINANCE NUMBER: 2003-92

AN ORDINANCE OF THE COUNTY OF  
ST. JOHNS, STATE OF FLORIDA,  
REZONING LANDS AS DESCRIBED  
HEREINAFTER FROM THE PRESENT  
ZONING CLASSIFICATION OF  
RESIDENTIAL SINGLE FAMILY (RS-3)  
TO COMMERCIAL INTENSIVE (CI);  
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, Lewis R. Kenton, the owner of lands described herein, incorporated by reference as Exhibit "A" (legal description), filed an application, incorporated by reference as File Number REZ 2003-17 for a zoning change dated July 28, 2003, as described hereinafter, and after required notice was published, a public hearing was held on the 4th day of November, 2003 at 1:30 p.m. 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 Commercial Intensive (CI) 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 Commercial Intensive (CI) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Commercial Intensive (CI) 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 2003-17 the zoning classification of the lands described within the legal description, Exhibit "A",

**is hereby changed to Commercial Intensive (CI).**

**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 4th DAY OF November, 2003.**

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

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

RENDITION DATE Nov. 7, 2003

Ordinance Book 32 Page 565

ATTEST: CHERYL STRICKLAND, CLERK

BY: Alvin S. Platt  
Deputy Clerk

EFFECTIVE DATE: November 10, 2003



**EXHIBIT "A"**

Lot Three (3), Block "A" PARQUE AVILES SUBDIVISION of Lot 6, Township 8 South, Range 30 East, according to Map Book 3 page 139 on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida.



ST. JOHNS COUNTY

Application For Rezoning

FROM RES TO IW  
RS3

DATE 7-28-03

PROJECT NAME: \_\_\_\_\_

OWNER/APPLICANT: Lewis R. Kenton

ADDRESS: 3175 U.S. 1 South

St Augustine, FL 32086

PHONE: (904) 797-1890 FAX: (904) 797-6511

E-MAIL ADDRESS: N/A

CONTACT PERSON: Same As Above

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

PROPERTY APPRAISERS PARCELNO. 173250-0030

SECTION: 6 TOWNSHIP: 8 RANGE: 30

CENSUS TRACT: 21301 PROPERTY APPRAISERS MAP SHEET: SF 6 X

LOCATION: 100 CALLE DE LEDN

911 ADDRESS (IF KNOWN) 100 Calle DE LEDN

CITY St Augustine STATE FL ZIP CODE 32086

TAZ 119 MAJOR ACCESS U.S. 1

OVERLAY DISTRICT? NO IF YES, WHICH ONE \_\_\_\_\_

ZONE CLASS RS-3 COMP. PLAN DSGN Mixed Use District

PRESENT USE OF PROPERTY: Storage and Parking

WATER/SEWER: Existing well and pump, No Elec or Sewage

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

WHO WILL MAINTAIN DRAINAGE: N/A

TYPE OF DEVELOPMENT: Storage

ACRES: 75 X 150 (SIZE OF PROPERTY) NUMBER OF LOTS/ UNITS: \_\_\_\_\_ (IF SUBDIVISION) SQ.FOOTAGE \_\_\_\_\_ (OF EACH BUILDING)

ACRES TO BE CLEARED: — 1/4 MILE INCREMENTS OF ROADWAY: —

IS THE PROJECT WITHIN THE COASTAL BUILDING ZONE? YES \_\_\_\_\_ NO

IS THE PROJECT SEAWARD OF CCCL? YES \_\_\_\_\_ NO

PROJECT NARRATIVE (ADDITIONAL SHEETS MAY BE ATTACHED):

SEE Attached

Please list below any applications currently under review or recently approved which may assist in the review of this application: NONE

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:  
Signature of owner or person authorized to represent this application:

Signature: \_\_\_\_\_

Printed or typed name(s): \_\_\_\_\_

This rezoning is being requested to correct a citation from the Code Enforcement Department.

I currently own the property (I.D. # 173360-0000 & 173370-0030) directly South of the piece of property for which I am requesting rezoning. This property is used as an office building in which I rent space to various tenants. The property in question was purchased in 91 and has been vacant with the exception of two portable storage sheds that were in existence when I purchased the property. The tenants of my office building are currently storing inventory in the storage sheds of the property in question and occasionally park their vehicles to leave space for customers at the main building. I have also been storing some scrap metal as well as two utility trailers that I have for personal use. The site is clear now except for the utility trailers and storage sheds. This rezoning would allow me to continue to use my property to provide storage and parking for my existing tenants while not violating any zoning regulations.

This instrument prepared without  
examination of title by:  
JOSEPH L. BOLES, JR., ESQUIRE  
Florida Bar No. 437522  
130 Charlotte Street  
St. Augustine, FL 32084  
(904)824-4278

OR2106PG1870

WARRANTY DEED

MADE THIS 11 day of JUNE, 1998 by LEWIS KENTON AND LINDA KENTON, his wife, whose post office address is 3175 U.S. 1 South, St. Augustine, FL 32086, hereinafter called the Grantor, to LEWIS R. KENTON, TRUSTEE OF LEWIS R. KENTON REVOCABLE LIVING TRUST, whose post office address is the same, hereinafter called the Grantee:

(Whenever used herein the terms "Grantor" and "Grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations.)

W I T N E S S E T H: That the Grantor, for and in consideration of the sum of \$10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the Grantee, all that certain land situate in St. Johns County, Florida, viz:

Lot Three (3), Block "A" PARQUE AVILES SUBDIVISION of Lot 6, Township 8 South, Range 30 East, according to Map Book 3 page 139 on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida.

SUBJECT TO COVENANTS, RESTRICTIONS, RESERVATIONS AND EASEMENTS contained in Deed Book 239, page 469 and Deed Book 239, page 473 of the public records of St. Johns County, Florida. However this reference shall not operate to reimpose same.

Parcel No. ~~173-250~~ 173-250 (18-2)

TOGETHER, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

TO HAVE AND TO HOLD, the same in fee simple forever.



AND THE GRANTOR hereby covenants with said Grantee that the Grantor is lawfully seized of said land in fee simple; that the Grantor has good right and lawful authority to sell and convey said land; that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 1997.

IN WITNESS WHEREOF, that said Grantor has signed and sealed these presents the day and year first above written.

Joseph L. Boles, Jr.  
JOSEPH L. BOLES, JR.

Kristi Robertson  
KRISTI ROBERTSON

Lewis Kenton  
LEWIS KENTON  
S.S.# 267-84-2029

Linda Kenton  
LINDA KENTON  
S.S.# 267-83-5048

STATE OF FLORIDA )  
COUNTY OF ST. JOHNS )

THE FOREGOING INSTRUMENT was acknowledged before me this 11 day of JUNE, 1998 by LEWIS KENTON & LINDA KENTON.



Kristi Robertson  
Print: KRISTI ROBERTSON  
Commission expires: \_\_\_\_\_  
Personally Known: P  
Produced ID: \_\_\_\_\_  
kenton1.98i

Name: Grantee

Address: 91 30871

This Instrument Prepared by: M. Lagasse  
Estate Title & Guaranty, Inc.  
3820-H U.S. 1 South  
St. Augustine, Florida 32086

Property Appraisers Parcel Identification (Folio) Number(s):  
173260-0000  
Grantee(s) S.S. #[s]:

RAMCO FORM 01  
INDIVID. TO INDIVID.

O.R. 916 PG 0165

FILED AND RECORDED  
PUBLIC RECORDS  
ST. JOHNS COUNTY, FL  
OR 2106 PG 1872

91 NOV 26 PM 4:10

CLERK OF CIRCUIT COURT

Chambliss Paper & Printing Co., Inc. 1987

RECORD VERIFIED

[Handwritten initials]

SPACE ABOVE THIS LINE FOR PROCESSING DATA

SPACE ABOVE THIS LINE FOR RECORDING DATA

**This Warranty Deed** Made the 26<sup>th</sup> day of November A.D. 19 91 by  
ADA M. NODA, unmarried widow of ERNEST E. NODA, JR., deceased

110 Calle De Leon St. Augustine, FL 32084  
hereinafter called the grantor, to

LEWIS KENTON AND LINDA KENTON, his wife

whose post office address is 3175 US 1 South  
St. Augustine, FL 32086  
hereinafter called the grantee:

(Wherever used herein the terms "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations)

**Witnesseth:** That the grantor, for and in consideration of the sum of \$ 10.00 and other valuable considerations, receipt whereof is hereby acknowledged, hereby grants, bargains, sells, aliens, remises, releases, conveys and confirms unto the grantee all that certain land situate in St. Johns County, State of Florida, viz:

Lot Three (3), Block "A" PARQUE AVILES SUBDIVISION of Lot 6, Township 8 South, Range 30 East, according to Map Book 3, page 139 on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida.

SUBJECT TO COVENANTS, RESTRICTIONS, RESERVATIONS AND EASEMENTS contained in Deed Book 239, page 469 and Deed Book 239, page 473 of the public records of St. Johns County, Florida. However this reference shall not operate to reimpose same.

Together, with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

And the grantor hereby covenants with said grantee that the grantor is lawfully seized of said land in fee simple; that the grantor has good right and lawful authority to sell and convey said land, and hereby warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever; and that said land is free of all encumbrances, except taxes accruing subsequent to December 31, 19 90.

In Witness Whereof, the said grantor has signed and sealed these presents the day and year first above written.

Signed, sealed and delivered in the presence of:

Signature: Mary Lagasse

Printed Signature: MARY LAGASSE

Signature: [Handwritten]

Printed Signature: Lynn Price

Signature: [Handwritten]

Printed Signature: [Handwritten]

Signature: [Handwritten]

Printed Signature: [Handwritten]

Signature: [Handwritten]

Printed Signature: [Handwritten]

Signature: Ada M. Noda

Printed Signature: Ada M. Noda

Post Office Address: [Blank]

Signature: [Blank]

Printed Signature: [Blank]

Post Office Address: [Blank]

Signature: [Blank]

Printed Signature: [Blank]

Post Office Address: [Blank]

STATE OF Florida  
COUNTY OF St. Johns

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State aforesaid and in the County aforesaid to take acknowledgments, personally appeared ADA M. NODA, unmarried widow of ERNEST E. NODA, JR., deceased

who executed the foregoing instrument and she acknowledged to me known to be the person described in and she executed the same.

WITNESS my hand and official seal in the County and State here aforesaid this 26<sup>th</sup> day of November A.D. 19 91

SEAL

Signature: [Handwritten]  
Printed Notary Signature: MARY LAGASSE  
My Commission Expires: 10/30/95



I HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN ST. JOHNS COUNTY, FLORIDA. WITNESS MY HAND AND OFFICIAL SEAL THIS 20<sup>th</sup> DAY OF December 1991. CHERYL STRICKLAND, CLERK Ex-Officio Clerk of the Board of County Commissioners

BY: Wendy King DC.

Guaranty, Inc.

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 **FILE # REZ 2003-17**

**110 CALLE DE LEON KENTON REZONING**

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

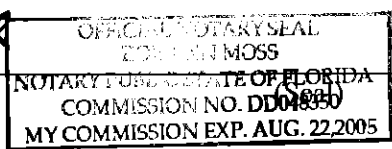
**OCTOBER 20, 2003**

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 21st day of **OCTOBER 2003**

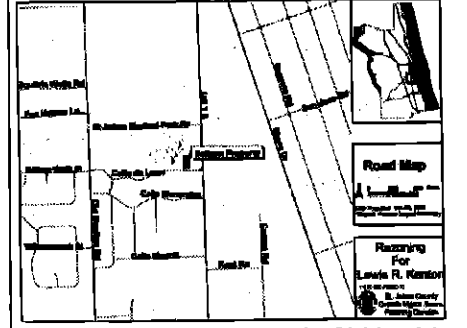
by Linda Y Murray who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Zoe Ann Moss  
(Signature of Notary Public)



Zoe Ann Moss

**NOTICE OF A PROPOSED REZONING**  
NOTICE IS HEREBY GIVEN that a public hearing will be held on the Tuesday, November 4, 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 Residential, Single Family (RS-3) to Commercial Intensive (CI). The subject property is located at 100 Calle De Leon 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 Haislead, 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 2003-126, 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 2003-17 KENTON REZONING  
L2349-3 Oct 20, 2003