

2
ORDINANCE NUMBER: 2003-98

(10)
AN ORDINANCE OF THE COUNTY OF
ST. JOHNS, STATE OF FLORIDA,
REZONING LANDS AS DESCRIBED
HEREINAFTER FROM THE PRESENT
ZONING CLASSIFICATION OF
COMMERCIAL GENERAL (CG) 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, C & K Asset Management, Inc. c/o Kevin Sessions, the owner of lands described herein, incorporated by reference as Exhibit "A" (legal description), filed an application, incorporated by reference as File Number REZ 2003-15 for a zoning change dated July 21, 2003, as described hereinafter, and after required notice was published, a public hearing was held on the 25th day of November 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.

Mark - Y. King
BCC Secty
Ordinance Book 32 Page 804

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 2003-15 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 25th DAY OF November, 2003.

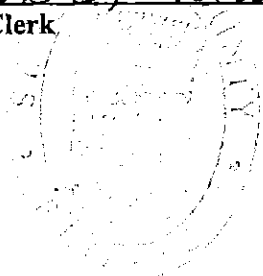
BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Karen R. Stern
Karen R. Stern, Chairperson

RENDITION DATE 11/26/2003

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk



EFFECTIVE DATE: 12/03/03

GAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 50, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF COMMENCEMENT BEGIN AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 8, ST. AUGUSTINE PARK, UNIT ONE AS RECORDED IN MAP BOOK 10, PAGES 58 AND 59, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 38°05'00" WEST 273.52 FEET; THENCE SOUTH 51°55'00" WEST 100.00 FEET TO THE POINT OF BEGINNING; THEN CONTINUE SOUTH 51°55'00" WEST 700.00 FEET TO THE NORTHEASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 1 (AS NOW ESTABLISHED); THENCE ALONG SAID RIGHT OF WAY NORTH 38°05'00" WEST 606.62 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH 51°55'00" EAST 400.00 FEET; THENCE SOUTH 38°05'00" EAST 112.53 FEET; THENCE SOUTH 89°51'47" EAST 328.26 FEET; THENCE NORTH 62°29'13" EAST 42.83 FEET; THENCE SOUTH 38°05'00" EAST 283.14 FEET TO THE POINT OF BEGINNING.

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

APPLICATION FOR REZONING

FROM CG TO CI

Date: July 21, 2003

Project Name: US 1 North CI

Owner/Applicant: C & K Asset Management, Inc., c/o Kevin Sessions

Address: 5951 Arlington Expressway, Jacksonville, Florida 32211

Phone: (904) 743-8272 Fax: (904) 743-8278

Engineering Firm: N/A

Address: N/A

Phone: N/A Fax: N/A

Contact Person: John D. Bailey, Jr.

Address: Upchurch, Bailey and Upchurch, P.A., P.O. Drawer 3007, St. Augustine, Florida 32085-3007

Phone: (904) 825-4862 Fax: (904) 825-4862

Property Appraiser's Parcel Nos.: 074430-0060, 074450-0010, 074450-0000, and 074460-0000

Section: 50 Township: 6 South Range: 29 East

Census Tract: 020600 Property Appraiser's Map Sheet: 4D/50B

Location: East Side of US 1 North approximately 2 miles south of International Golf Parkway

911 Address (if known): Unknown

City: St. Augustine State: Florida Zip Code: 32095

TAZ: 110 Major Access: US 1

Overlay District? N/A If Yes, Which One: N/A

Zone Class: CG

Comp. Plan Design: MUD

Present Use of Property: Unimproved

Water/Sewer: City of St. Augustine Utility Department

Who Will Maintain Roads (if a Subdivision): N/A

Who Will Maintain Drainage: Owner or its Assigns

Type of Development: Commercial (Intensive) (CI)

Acres: Approx. 8 Acres Number of Lots/Units: N/A Square Footage: 92,400 (Total)

Acres to be Cleared: Unknown 1/4 Mile Increments of Roadway: 1

Is the Project Within the Coastal Building Zone? Yes: _____ No: X

Is the Project Seaward of CCCL? Yes: _____ No: X

Project Narrative (Additional Sheets May be Attached):

The proposed uses are commercial industrial with primarily warehousing which is common in US 1 North area.

Both the requested rezoning and proposed uses comply with the Comprehensive Plan and Mixed Use District. Further, the requested rezoning and proposed uses are consistent and compatible with the surrounding uses and properties.

Please list below any applications currently under review or recently approved which may assist in the review of this application: N/A

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

Signature: John D. Bailey Jr.

Print or typed name(s): John D. Bailey, Jr. Upchurch, Bailey and Upchurch, P.A.

Public Records of
St. Johns County, FL
Clerk# 99002858
O.R. 1378 PG 1882
11:16AM 01/21/1999
REC \$17.00 SUR \$2.50
Doc Stamps \$1,575.00

This instrument prepared by:
HAMILTON D. UPCHURCH
Upchurch, Bailey and Upchurch, P.A.
780 North Ponce de Leon Boulevard
Post Office Drawer 3007
St. Augustine, Florida 32085-3007
FN-678.7-93-309-A (1999)

WARRANTY DEED

THIS INDENTURE, Made this 15 day of JAN., 1999, by DONALD R. TULLY, and CARL A. ANDERSON, each conveying their individually-owned interest in non-homestead property, parties of the first part, to C & K ASSET MANAGEMENT, INC., a corporation, whose mailing address is: 5951 Arlington Expressway, Jacksonville, Florida 32211, of the County of Duval, and State of Florida, party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of \$10.00 and other good and valuable considerations to them in hand paid by said party of the second part, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell, convey and confirm unto the said party of the second part, its successors and assigns forever, the real property situate, located and being in St. Johns County, Florida, more particularly described in Exhibit "A" attached hereto and by reference made a part hereof.

TOGETHER with all the tenements, hereditaments and appurtenances, with every privilege, right, title, interest and estate, dower and right of dower, reversion, remainder and easement thereto belonging or in anywise appertaining.

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

And the said parties of the first part do covenant with the said party of the second part that they are lawfully seized of said premises, that they are free from all encumbrances, and that they have good right and lawful authority to sell the same; and the said parties of the first part do hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals on the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Print: JOHN F. SESSIONS

[Signature]
Print: JOHN T. BAILEY JR
As to Donald R. Tully

[Signature]
Donald R. Tully

Address:
69 Avista Circle
St. Augustine, FL 32084

0R2106PG1879

EXHIBIT "A"PARCEL ONE:

The South 1/2 of the following described land, to-wit: Part of the SABATE GRANT, Section 50, Township 6 South, Range 29 East, St. Johns County, Florida, and described as follows:

Beginning at a point on the East right of way line of U. S. Highway No. 1, which is described as the Point of Beginning for a parcel of land described in Deed Book 211, page 488; run thence Easterly and perpendicular to the East right of way line of U.S. Highway No. 1, a distance of 475 feet; run thence Southerly and parallel to the East right of way line of said U.S. Highway No. 1, a distance of 229.26 feet; run thence Westerly and on a line perpendicular to the East right of way line of said U.S. Highway No. 1 a distance of 475 feet to a point located on the East right of way line of said U.S. Highway No. 1; run thence Northerly and along the East right of way line of said U.S. Highway No. 1 a distance of 229.26 feet to the Point of Beginning.

EXCEPTING THEREFROM any part thereof lying within the right of way of U.S. Highway No. 1 as now established. Said parcel being a portion of Tract Number 1 described in Deed Book 219, page 21, public records of St. Johns County, Florida.

PARCEL IDENTIFICATION NUMBER: 074450-0010

PARCEL TWO:

The North 1/2 of the following described land, situate, lying and being in the County of St. Johns, State of Florida, known and described as follows:

Description of Tract No. 1, as found in Deed Book 219, page 21, of the public records of St. Johns County, Florida. Part of the SABATE GRANT, Section 50, Township 6 South, Range 29 East, St. Johns County, Florida, and also described as follows: Beginning at a point on the East right of way line of U.S. No. 1, which point is described as the Point of Beginning for a parcel of land described in Deed Book 211, page 488, run thence Easterly and perpendicular to the East right of way line of said U.S. Highway No. 1, a distance of 475 feet; run thence Southerly and parallel to the East right of way line of said U.S. Highway No. 1, a distance of 229.26 feet; run thence Westerly and on a line perpendicular to the East right of way line of said U.S. Highway No. 1, a distance of 475 feet to a point located on the East right of way line of said U.S. Highway No. 1; run thence Northerly and along the East right of way line of said U.S. Highway No. 1 a distance of 229.26 feet to the point of beginning. EXCEPTING THEREFROM any part thereof lying within the right of way line of U.S. Highway No. 1 as now established.

PARCEL IDENTIFICATION NUMBER: 074450-0000

PARCEL THREE:

A parcel of land in Section 50, Township 6 South, Range 29 East, St. Johns County, Florida, described as follows:

Commence at the Southwest corner of Lot 1, Block 8, ST. AUGUSTINE PARK, Unit One, as recorded in Map Book 10, page 59, public records of said County; thence North 38 degrees 05 minutes West on the Southwesterly line of said Block 8, a distance of 273.52 feet to the point of beginning at the Southeast corner of the herein described parcel of land; thence South 51 degrees 55 minutes West 800.00 feet; thence North 38 degrees 05 minutes West on the Northeasterly right of way line of U.S. Highway No. 1, a 150 foot width right of way, 140.36 feet; thence North 51 degrees 55 minutes East on the Southeasterly line of Tract 1 of that land described in Deed recorded in Deed Book 213, page 540 of said public records, 425 feet; thence North 38 degrees 05 minutes West, on the Northeasterly line of said Tract 1, a distance of 229.26 feet; thence South 51 degrees 55 minutes West on the Northwesterly line of said Tract 1, a distance of 25.00 feet; thence North 38 degrees

OR2106P61880

05 minutes West on the Northeasterly line of that land described in Deed recorded in Deed Book 211, page 488, public records of said County, 124.47 feet; thence South 89 degrees 51 minutes 47 seconds East on the center line of a 40 foot width drainage easement described in Deed Book 252, page 112 of said public records, 328.26 feet; thence North 52 degrees 29 minutes 13 seconds East on said center line of drainage easement, 144.56 feet; thence South 38 degrees 05 minutes East on the Southwesterly line of said ST. AUGUSTINE PARK, Unit One, 264.48 feet to the point of beginning. The above parcel is subject to said drainage easement.

PARCEL IDENTIFICATION NUMBER: 074430-0050

PARCEL FOUR:

Part of the SABATE GRANT, Section 50, Township 6 South, Range 29 East, St. Johns County, Florida, and described as follows:

Commencing at an iron pipe, being the intersection of the North line of Section 51, Township 6 South, Range 29 East (as shown by State Road Survey) and the East right of way line of United States Highway No. 1, which East line is parallel to and 150 feet East of the center line of the Florida East Coast Railway; run thence Northerly and along said East right of way line of said United States Highway No. 1, a distance of 5884.5 for the point of beginning for the property herein conveyed; (which point of beginning can also be described as follows: Beginning at a concrete monument being the Southwest corner of property of Rennie, conveyed to said Rennie by deed recorded in Deed Book 186, page 65, as surveyed by D. D. Moody, May, 1950; run thence Westerly and on a line perpendicular to U.S. Highway No. 1, a distance of 50 feet to a point which is 150 feet Easterly from and perpendicular to the center line of the Florida East Coast Railway; run thence Southerly and along a line which is 150 feet from and parallel to said centerline of the said Florida East Coast Railway, a distance of 1197.0 feet to said point of beginning); run thence Northerly and continue along said East right of way line of said U.S. Road 1, a distance of 237 feet; run thence Easterly and perpendicular to said East right of way line of said U.S. Highway #1, a distance of 450 feet to an iron pipe; run thence Southerly and parallel to said East right of way line of U.S. Highway #1 a distance of 237 feet to an iron pipe; run thence Westerly and on a line perpendicular to the said East right of way line of said U.S. Highway #1, a distance of 450 feet to the point of beginning of the property herein conveyed. Subject to State Road right of way easement set forth in Deed Book 131, page 511, of the public records of St. Johns County, Florida.

PARCEL IDENTIFICATION NUMBER: 074460-0000

SUBJECT TO THE FOLLOWING:

1. Reservations in favor of the State of Florida, as set forth in the deed from the Trustees of the Internal Improvement Fund of the State of Florida, recorded in Deed Book 131, Page 551, public records of St. Johns County, Florida.
2. Easement contained in instrument recorded in Deed Book 220, Page 129, public records of St. Johns County, Florida, (as to Parcels Three and Four).
3. Easement contained in instrument recorded in Deed Book 252, Page 112, public records of St. Johns County, Florida, (as to Parcel Three).
4. Any portion of the above-described lands lying within the right-of-way of U.S. Highway No. 1 as presently established.
5. St. Johns County, Florida, ad valorem taxes for 1999 and subsequent years.

LEGAL DESCRIPTION

A PARCEL OF LAND LYING IN SECTION 50, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF COMMENCEMENT BEGIN AT THE SOUTHWEST CORNER OF LOT 1, BLOCK 8, ST. AUGUSTINE PARK, UNIT ONE AS RECORDED IN MAP BOOK 10, PAGES 58 AND 59, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH $38^{\circ}05'00''$ WEST 273.52 FEET; THENCE SOUTH $51^{\circ}55'00''$ WEST 100.00 FEET TO THE POINT OF BEGINNING; THEN CONTINUE SOUTH $51^{\circ}55'00''$ WEST 700.00 FEET TO THE NORTHEASTERLY RIGHT OF WAY OF U.S. HIGHWAY NO. 1 (AS NOW ESTABLISHED); THENCE ALONG SAID RIGHT OF WAY NORTH $38^{\circ}05'00''$ WEST 606.62 FEET; THENCE LEAVING SAID RIGHT OF WAY NORTH $51^{\circ}55'00''$ EAST 400.00 FEET; THENCE SOUTH $38^{\circ}05'00''$ EAST 112.53 FEET; THENCE SOUTH $89^{\circ}51'47''$ EAST 328.26 FEET; THENCE NORTH $62^{\circ}29'13''$ EAST 42.83 FEET; THENCE SOUTH $38^{\circ}05'00''$ EAST 283.14 FEET TO THE POINT OF BEGINNING.

OWNER'S AUTHORIZATION FOR AGENT

John D. Bailev. Jr. of Upchurch, Bailev and Upchurch, P.A. is hereby authorized TO ACT ON BEHALF OF C & K Asset Management, Inc., the owner(s) of those lands described within the attached application, and as described in the attached deed or other such proof of ownership as may be required, in applying to St. Johns County, Florida, for an application related to a Development Permit or other action pursuant to a:

- Rezoning/Modification
- Zoning Variance
- Appeal
- Concurrency
- Special Use Permit
- Non-Zoning Variance
- Overlay District Review
- Other - Small Adjustment

C & K ASSET MANAGEMENT, INC.

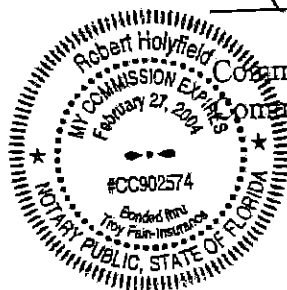
By: C & K Asset Management, Inc.

By: [Signature]
 Print Name: Kevin F. Sessions
 Title: President
 Date: MARCH 20, 2003

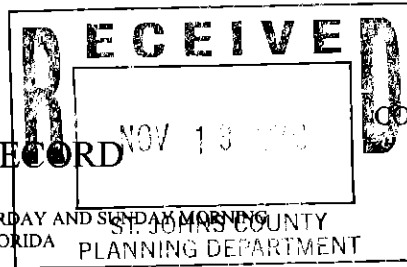
STATE OF FLORIDA
 COUNTY OF DUVAL

THE FOREGOING instrument was acknowledged before me this 20th day of MARCH, 2003, by KEVIN F. SESSIONS, as PRESIDENT of C & K Asset Management, Inc. of St. Johns County, Florida, on behalf of the corporation, who is personally known to me or has produced _____ as identification.

[Signature]
 Signature of Notary
Robert Holyfield
 (Name of Notary typed or printed)



Commission number: _____
 Commission expires: _____



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

Notice of Proposed Rezoning

In the matter of File# REZ 2003-15

C & K Asset Management 6350 US 1 North

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

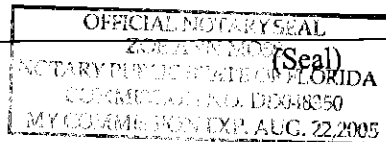
November 10, 2003

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.

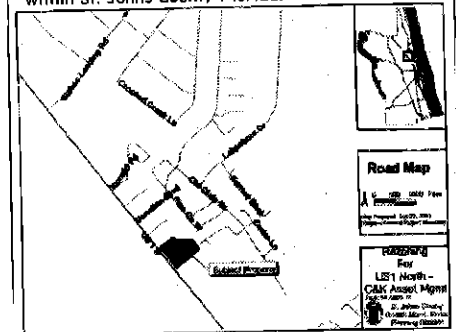
Sworn to and subscribed before me this 11th day of November 2003 by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[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 25, 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 lands from CG (Commercial, General) to CI (Commercial Intensive). The subject property is located at 6350 US 1 North 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 2003-15 C & K Asset Management L2526-3 Nov 10, 2003