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Public Records of
St. Johns County, FL
Clerk# 04-008887
O.R. 2136 PG 498
11:44AM 02/10/2004
REC \$29.00 SUR \$4.00

ORDINANCE NUMBER: 2004-8

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL GENERAL (RG-1) TO COMMERCIAL NEIGHBORHOOD (CN); 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, Susan Huffman, the owner of lands described herein, incorporated by reference as Exhibit "A" (legal description), filed an application, incorporated by reference as File Number REZ 2003-23 for a zoning change dated October 30, 2003, as described hereinafter, and after required notice was published, a public hearing was held on the 8 day of January 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 Neighborhood (CN) 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 Neighborhood (CN) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Commercial Neighborhood (CN) 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.

Ordinance Book 33 Page 445

Frank Y. King
BCC Secty

SECTION 2. Pursuant to this application File Number REZ 2003-23 the zoning classification of the lands described within the legal description, Exhibit "A",

is hereby changed to Commercial Neighborhood (CN).

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 27 DAY OF January 2004.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: 
Karen R. Stern, Chairperson

RENDITION DATE 1/30/2004

ATTEST: CHERYL STRICKLAND, CLERK

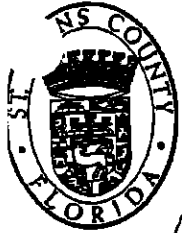
BY: 
Deputy Clerk

EFFECTIVE DATE: February 4, 2004

New Deal
L16902

A part of Government Lot 9, Section 31, Township 7 South, Range 30 East, St Johns County, Florida lying Easterly of State Road S-5A and being more particularly described as follows:

For a Point of Commencement start at the Southwest corner of said Government Lot 9 also being the Southwest corner of said Section 31; thence Easterly along the South line of said Section 31, plus or minus 33 feet to the Easterly right of way line of said State Road S-5A (as established for a 66 foot right of way); thence North $02^{\circ}08'00''$ West along said Easterly right of way line 370 feet to the Point of Beginning; thence continue North $02^{\circ}08'00''$ West 175.00 feet along said Easterly right of way line; thence North $87^{\circ}37'30''$ East 790.59 feet; thence South $02^{\circ}13'00''$ East 225.00 feet; thence SOUTH $87^{\circ}37'30''$ West 703.92 feet; thence North $02^{\circ}08'00''$ West 50 feet; thence SOUTH $87^{\circ}37'30''$ West 82.00 feet to the Point of Beginning. Said parcel contains 4 acres more or less.



ST. JOHNS COUNTY

Application For Rezoning

FROM RG1 TO CN

RECEIVED
OCT 30 2003
ST. JOHNS COUNTY
PLANNING DEPARTMENT

DATE 10/30/03

PROJECT NAME: BodyWise Wellness Center

OWNER/APPLICANT: SUSAN HUFFMAN

ADDRESS: P.O. Box 5538
St. Augustine, FL 32085

PHONE: (904) 806-1617 cell FAX: (904) 827-1669 w

E-MAIL ADDRESS: bodywise studios@bell south.net

CONTACT PERSON: SUSAN HUFFMAN

DRESS: 4280 Coastal Hwy
St. Augustine, FL 32084

PHONE: (904) 808-7351 h FAX: (904) 827-1669 w

E-MAIL ADDRESS: SAME AS ABOVE

PROPERTY APPRAISERS PARCELNO. 162640 0000 AND 162620 0000

SECTION: 31 TOWNSHIP: 7 RANGE: 30

CENSUS TRACT: 21301 PROPERTY APPRAISERS MAP SHEET: 5E31S

LOCATION: _____

911 ADDRESS (IF KNOWN) 2706 Old Montrie Road

CITY St. Augustine STATE Florida ZIP CODE 32086

TAZ 58 MAJOR ACCESS Old Montrie

OVERLAY DISTRICT? N/A IF YES, WHICH ONE _____

ONE CLASS RG1 COMP. PLAN DSGN mixed use district

PRESENT USE OF PROPERTY: Our House - Alzheimer's Day Care

WATER/SEWER: County / Septic

WHO WILL MAINTAIN ROADS (IF A SUBDIVISION) county

WHO WILL MAINTAIN DRAINAGE: private

TYPE OF DEVELOPMENT: commercial

ACRES: 4 (SIZE OF PROPERTY) NUMBER OF LOTS/ UNITS: NA (IF SUBDIVISION) SQ.FOOTAGE 2276 (OF EACH BUILDING)

ACRES TO BE CLEARED: 0 1/4 MILE INCREMENTS OF ROADWAY: NA

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):

Would like to convert from RG1 to
commercial neighborhood

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: Susan Huffman

Printed or typed name(s): SUSAN HUFFMAN

Owner's Authorization For Agent

Susan Huffman is hereby authorized TO ACT ON BEHALF OF National Benevolent Assoc., 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

BY: [Signature] Treasurer
 Signature of Owner
STERLING C. ELLIS for National Benevolent Association
 Print Name St. Louis, MO,

Signature of Owner

Print Name

314-993-9000
Telephone Number

State of Florida
County of St. Johns

Signed and sworn before me on this 19th day of, 2002.

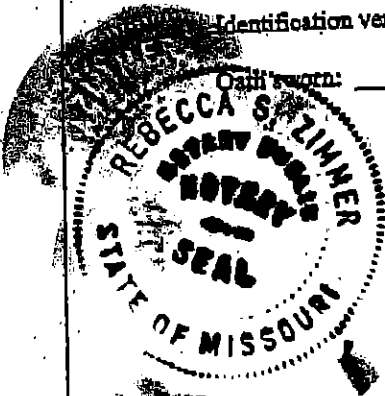
By Sterling C. Ellis

Identification verified: Yes

Oath sworn: Yes No

[Signature]
Notary Signature

My Commission expires: 6-6-2007



REBECCA S. ZIMMER
Notary Public - Notary Seal
STATE OF MISSOURI
St. Louis County
My Commission Expires June 6, 2007

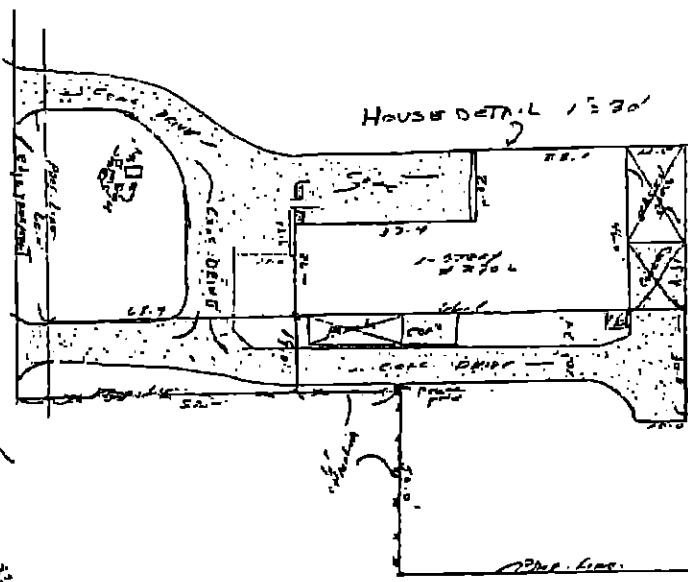
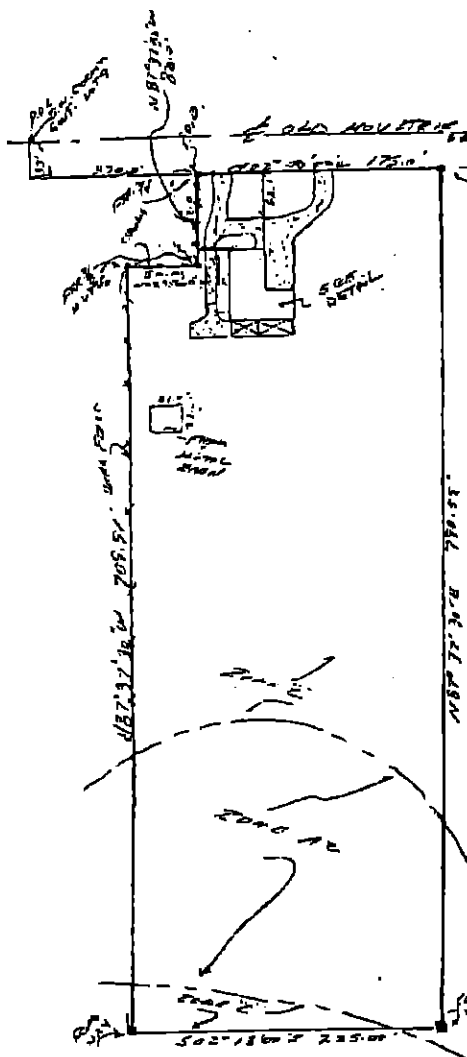
Revised February 19, 2002

10-8

MAP SHOWING SURVEY OF

a part of Government Lot 3, Section 31, Township 7 South, Range 30 East, St. Johns County, Florida lying Easterly of State Road 8-5A and being more particularly described as follows:
 For a Point of Commencement (P.C.) at the Southwest corner of said Government Lot 3 also being the Southwest corner of said Section 31; thence Easterly along the South line of said Section 31, plus or minus 32 feet to the Easterly right of way line of said State Road 8-5A; thence North 02°08'00" West along said Easterly right of way line 375 feet to the Point of Beginning; thence continue North 02°08'00" West 175.00 feet along said Easterly right of way line; thence North 87°37'50" East 790.55 feet; thence South 02°13'00" East 225.00 feet; thence North 87°37'50" West 708.91 feet; thence North 02°08'00" West 50 feet; thence North 87°37'50" West 81.00 feet to the Point of Beginning. Said parcel contains 4 Acres more or less.

OR2136PG 504



CERTIFIED TO: NATIONAL BENEVOLENT ASSOCIATION INC/
 COLLINS TITLE & ABSTRACT CO AND LAND TITLE OF AMERICA/
 FIDELITY NATIONAL TITLE INS CO

LEGEND:

- F.I.P. - FOUND IRON PIPE/PIH
- F.I.R. - FOUND IRON ROD
- S.I.R. - SET IRON ROD (L.S. 8472) 5/8"
- F.C.M. - FOUND CONCRETE MONUMENT
- S.C.M. - SET CONCRETE MONUMENT
- CONG. - CONCRETE
- I.D. - SURVEYOR'S IDENTIFICATION MARK
- R/W - RIGHT OF WAY
- C.L. - CENTERLINE
- R. - RADIUS
- CD - CHORD DISTANCE

- L - ARC LENGTH
- CB - CHORD BEARING
- T.B.M. - TEMPORARY BENCH MARK
- S.M. - BENCH MARK
- P.O.C. - POINT OF COMMENCEMENT
- P.O.B. - POINT OF BEGINNING
- P.C. - POINT OF CURVATURE
- P.T. - POINT OF TANGENCY
- P.C.C. - POINT OF CONCAVE CURVATURE
- P.R.C. - POINT OF REVERSE CURVATURE
- P.I. - POINT OF INTERSECTION

- ELEV/D. - ELEVATION
- N.O.V.D. - NATIONAL GEODETIC VERTICAL DATUM
- F.P. - FINISHED FLOOR ELEVATION
- O.R. - OFFICIAL RECORDS BOOK
- N.T.S. - NOT TO SCALE
- (D) - DEED MEASUREMENT
- (M) - FIELD MEASUREMENT
- (P) - PLAT MEASUREMENT
- B.L.C. - BLOCK
- P.R.M. - PERMANENT REFERENCE MONUMENT
- P.C.P. - PERMANENT CONTROL POINT
- (TYP) - TYPICAL

NOTES:

- According to the Federal Emergency Management Agency FIRM Map No. 12-547-R1-D effect 7-1-85 the property described herein conforms to its in Zone (2-0218)
- Both of existing structures EAST 1/2 OLD ROYAL TRAIL
- Encroachments as shown herein are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this Office except as shown.
- All dimensions, bearings or angles are as field-measured. Deed or plat measurements are noted if different.
- Scale of drawings: all
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.

JOB NO.	DATE	F.B.	PAGE	REVISIONS
78-172	12-5-78	AL	-	
<p>SCALE: 1/2" = 100'</p> <p>DEVINO & Associates, Inc. ENGINEERS - SURVEYORS</p> <p>3505 U.S. 1 SOUTH, SUITE #3 ST. AUGUSTINE, FLORIDA 32086 904-787-1887 FAX 904-787-2048</p>				

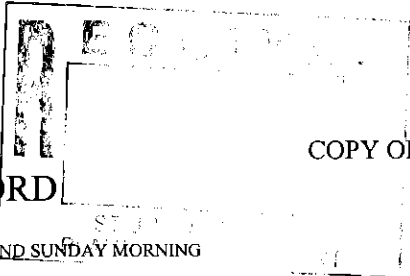
and will affect the stipulate and the original return and of a Florida Licensed Surveyor and Registrar, additional or corrections to surveys made or reports by other than the signing party or parties is prohibited without written consent of the signing party or parties.

Nicholas H. Franklin 12-5-78
 NICHOLAS H. FRANKLIN

CERTIFICATION THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS IN RECORD IN ST. JOHNS COUNTY, FLORIDA

WITNESS MY HAND AND OFFICIAL SEAL
 THIS 9th DAY OF February 20 04
 CHERYL STRICKLAND, CLERK
 Ex-Officio Clerk of the Board of County Commissioners





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 2003-23

2706 OLD MOULTRIE ROAD BODY WISE WELLNESS CENTER

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

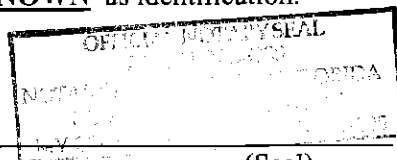
DECEMBER 24, 2003

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 24th day of DECEMBER 2003 by [Signature] who is personally known to me or who has produced PERSONALLY KNOWN as identification.

[Signature of Notary Public]

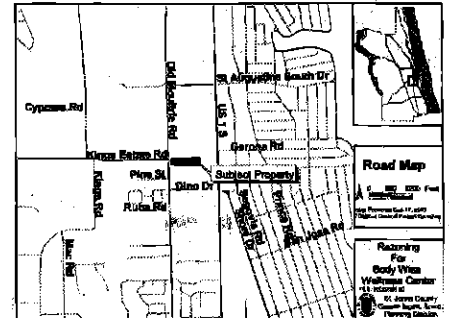
(Signature of Notary Public)



(Seal)

Zoe Ann Moss

NOTICE OF A PROPOSED REZONING NOTICE IS HEREBY GIVEN that a public hearing will be held on Thursday, January 15, 2004 at 1:30 p.m. by the St. Johns County Planning and Zoning Agency, and Tuesday, January 27, 2004 at 1:30 p.m. by the Board of County Commissioners in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, to rezone from RG-1 (Residential, General) to CN (Commercial Neighborhood). The subject property is located at 2706 Old Moultrie 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 procedure. It is anticipated that one or more County Commissioners may attend this meeting. 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 notified public hearings or to written communication care of St. Johns County Planning Division, P.O. Drawer 349, St. Augustine, Florida, 32085.

PLANNING AND ZONING AGENCY ST. JOHNS COUNTY, FLORIDA ROBERT TAYLOR, CHAIRMAN FILE NUMBER: REZ 2003-23 Body Wise Wellness Center BOARD OF COUNTY COMMISSIONERS ST. JOHNS COUNTY, FLORIDA KAREN STERN, CHAIR L2876-3 Dec 24, 2003



FILED

STATE OF FLORIDA 14 FEB -9 PM 2: 35
DEPARTMENT OF STATE

JEB BUSH
Governor

CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST JOHNS COUNTY FL

GLEND A. HOOD
Secretary of State

February 5, 2004

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

Attention: Yvonne King
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 February 2, 2004 and certified copies of St. Johns County Ordinance Nos. 2004-8 and 2004-9, which were filed in this office on February 4, 2004.

Sincerely,

A handwritten signature in cursive script that reads "Liz Cloud".

Liz Cloud
Program Administrator

LC/mp

ORDINANCE BOOK 33 PAGE 453