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ORDINANCE NUMBER: 2004-67

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG); 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**, Charles and Francis Neugebauer and Henry Whetstone Jr., the owners of lands described herein, incorporated by reference as Exhibit "A" (legal description), filed an application, incorporated by reference as File Number REZ 2004-14 for a zoning change dated May 13, 2004, as described hereinafter, and after required notice was published, a public hearing was held on the 11th day of August, 2004 at 9:00 a.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 General (CG) 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 encourages an efficient and compact land use pattern and supports balanced growth and economic development. (Objective A.1.11)
  - (c) The proposed project is consistent with the goals, policies and objectives of the 2015 St. Johns County Comprehensive Plan.
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 (Md) as depicted on the 2015 Future Land Use Map.

**SECTION 2.** Pursuant to this application File Number REZ 2004-14 the zoning classification of the lands described within the legal description, Exhibit "A",

**is hereby changed to Commercial General (CG).**

*Frank J. King  
3CC Secty*

**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 11<sup>th</sup> DAY OF August 2004.**

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

BY: *Karen R. Stern*  
Karen R. Stern, Its Chair

RENDITION DATE: 08/13/04

**ATTEST: CHERYL STRICKLAND, CLERK**

BY: *Cheryl Strickland*  
Deputy Clerk

EFFECTIVE DATE: 08/17/04



## EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

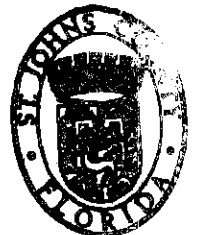
PIN: 087390 0000

BEGINNING at the northeast corner of Government Lot 4, Section 6, Township 7 South, Range 29 East, thence run South 33° and 5' West along the line of property of Barrs 227.5 feet to the center line of State Road No. 16, thence southeasterly along the center line of said State Road No. 16, 300 feet, thence northeasterly in a straight line 400 feet, more or less, to a point in the north line of said Section 6, located 275 feet easterly of the place of beginning, thence westerly along the north line of said Section 6, 275 feet to the point of beginning. Excepting, however, so much thereof as is now used by the State of Florida for road purposes.

EXCEPTING also therefrom approximately 28,500 square feet (.656 acre) conveyed to the State of Florida by deed of Charles Thomas Neugebauer dated March 21, 1970, and recorded in the Recorder's Office of St. Johns County, Florida.

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 24<sup>th</sup> DAY OF August 2004  
CHERYL STRICKLAND, CLERK  
Ex-Officio Clerk of the Board of County Commissioners

BY: Wanneking D.C.



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 **AMANDA N. BRUNK**  
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 **NOTICE OF HEARING**

In the matter of **REZ 04-14 SIXTEEN WEST**

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

**JULY 26, 2004**

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 **26<sup>TH</sup>** day of **JULY 2004**

by *Amanda N. Brunk* who is personally known to me  
or who has produced **PERSONALLY KNOWN** as identification.

*Patricia A. Bergquist*

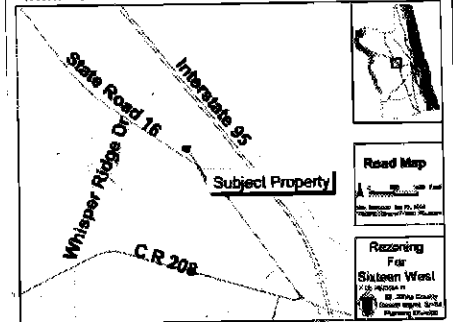
(Signature of Notary Public)



Patricia A. Bergquist  
My Commission DD275991  
Expires December 18, 2007  
(Seal)

PATRICIA A. BERGQUIST

**NOTICE OF A PROPOSED REZONING**  
NOTICE IS HEREBY GIVEN that a public hearing  
will be held on Wednesday, August 11, 2004 at 9:00  
a.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 Open Rural (OR)  
to Commercial General (CG).  
The subject property is located at 2980 Slate Road 16  
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 Speed-  
way, 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 par-  
ticipate in this proceeding should contact David  
Halslead, ADA Coordinator, at (904) 823-2500 or at  
the County Administration Building, 4020 Lewis  
Speedway, St. Augustine, Florida, 32084. For hear-  
ing 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-judi-  
cial rules of procedures. Interested parties should  
limit contact with the Board of County Commis-  
sioners or the Planning and Zoning Agency members on  
this topic, except with compliance with Resolution  
95-126, to properly noticed public hearings or to writ-  
ten communication care of St. Johns County Plan-  
ning Division, P.O. Drawer 349, St. Augustine,  
Florida, 32085.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
KAREN STERN, CHAIR  
FILE NUMBER: REZ 2004-14 Sixteen West  
L1770-4 July 26, 2004