

ORDINANCE NUMBER: 2005-44

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM PUBLIC (P) TO RESIDENTIAL C- COASTAL FOR PROPERTY LOCATED AT 5805 AND 5811 A1A SOUTH, BUTLER BEACH; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapters 125 and 163, Florida Statutes provide for the Board of County Commissioners to prepare, implement and enforce Comprehensive Plans and Land Development regulations for the control of development within the County; and

WHEREAS, Section 163.3185, 163.3187 and 163.3189, Florida Statutes provides the process for the adoption of Comprehensive Plan amendments; and,

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

SECTION 1. The St. Johns County 2015 Comprehensive Plan is amended to change the Future Land Use Map designation from Public (P) to Residential C- Coastal, for property located at 5805 & 5811 A1A South, Butler Beach, as shown on Exhibits A and B; based on the following Findings of Fact:

- a. The amendment was fully considered after public hearing pursuant ot legal notice duly published as required by law.
- b. The amendment is consistent with the State Comprehensive Plan, the Northeast Florida Strategic Regional Policy Plan, and Rule 9J-5, Florida Administrative Code.
- c. The amendment is consistent with applicable sections of the St. Johns County Comprehensive Plan Ordinance No. 2000-34, as amended; and St. Johns County Land Development Code as amended.

SECTION 2. The remaining portions of the St. Johns County Comprehensive Plan Ordinance No. 2000-34, as amended, and the 2015 Future Land Use Map as amended, which are not in conflict with the provisions of this Ordinance, shall remain in full force and effect.

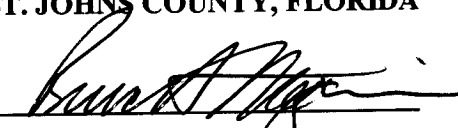
SECTION 3. Should any section, subsection, sentence, clause, phrase, or portion of this Ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and shall not affect the validity of the remaining portions.

SECTION 4. This Ordinance shall take effect 31 days after adoption. If challenged within 30 days after adoption, this ordinance shall not become effective until the state land planning agency or Administration Commission issues a final order determining the adopted small scale amendment is in compliance.

SECTION 5. This ordinance shall be recorded in a book of land use regulation ordinance kept and maintained by the Clerk of Court in accordance with Section 125.68, Florida Statutes.

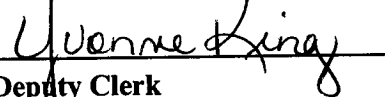
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 4th DAY OF May, 2005.

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

BY: 
Bruce A. Maguire, Chairman

RENDITION DATE 05/05/05

ATTEST: CHERYL STRICKLAND, CLERK

BY: 
Deputy Clerk

EFFECTIVE DATE: 06/04/05



EXHIBIT B

139 King St.
St. Augustine, FL 32084
File # L17034

St. Johns County, FL
Clerk# 99010109
O.J 1390 PG 1899
04:PM 03/03/1999
REC \$5.00 SUR \$1.00
Doc Stamps \$59.50

Prepared by: J. Russell Collins
Land Title of America Group
139 King Street
St. Augustine, Florida 32084
File No.: L17034

[Space Above This Line for Recording Data]

Parcel I.D. No.: 179020-0000

WARRANTY DEED

This Indenture made this 8th day of February, 1999 BETWEEN JOSEPH JOHNSON, GRANTOR*, whose post office address is 9643 Devonshire Blvd., Jacksonville, Florida 32208-1019, and CATHERINE S. HAGERTY, a single person, GRANTEE*, whose post office address is 4009 Moultrie Foreside Blvd, 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:

Lot 17, Block "J", BUTLER'S BEACH, Unit 1, as recorded in Map 6, Page 22, Public Records of St. Johns County, Florida.

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; However, this reference does not operate to reimpose same: SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 1999 and Subsequent Years.

THE GRANTOR WARRANTS THAT THE ABOVE DESCRIBED PROPERTY IS NOT THE GRANTOR'S HOMESTEAD AS THAT TERM IS DEFINED PURSUANT TO ARTICLE X, SECTION 4, CONSTITUTION OF THE STATE OF FLORIDA BECAUSE NEITHER THE GRANTOR NOR ANY DEPENDENTS OF GRANTOR RESIDE ON THE ABOVE DESCRIBED REAL PROPERTY OR UPON ANY REAL PROPERTY CONTIGUOUS THERETO.

and said grantor does hereby fully warrant the title to said land, and will defend the same against 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 year first above written.

WITNESSES

Stanley B. Collins
Typed Name: Stanley B. Collins

Joseph Johnson
JOSEPH JOHNSON

Jennifer P. Price
Typed Name: JENNIFER P. PRICE

COUNTY OF ST. JOHNS
STATE OF FLORIDA

THE FOREGOING INSTRUMENT was acknowledged before me on February 8th, 1999 by JOSEPH JOHNSON who is/are personally known to me or has produced his/her Driver's License as identification.

[Seal]

STANLEY B. COLLINS
Notary Public, State of Florida
My Comm. expires May 6, 2000
OR 544194

Stanley B. Collins
NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
Printed Name: Stanley B. Collins
COMMISSION EXPIRATION:

EXHIBIT B

In & Met
139 King St.
St. Augustine, FL 32084
File # L17033

Clerk# 99010107
O.R. 1790 PG 1892
04:3 03/03/1999
REC \$5.00 SUR \$1.00
Doc Stamps \$59.50

Prepared by: J. Russell Collins
Land Title of America Group
139 King Street
St. Augustine, Florida 32084
File No.: L17033

Parcel LD. No.: 179010-0000

[Space Above This Line for Recording Data]

WARRANTY DEED

This Indenture made this 5th day of February, 1999 BETWEEN REGINALD HERMAN MASON, a single person, GRANTOR, whose post office address is 600 Domenico Circle #A7, St. Augustine, Florida 32086, and CATHERINE S. HAGERTY, a single person, GRANTEE, whose post office address is 4009 Moultrie Foreside Blvd., 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:

Lot 16, Block "J", BUTLER'S BEACH, Unit 1, as recorded in Map 6, Page 22, Public Records of St. Johns County, Florida.

SUBJECT TO COVENANTS, RESTRICTIONS, EASEMENTS and RESERVATIONS of record, if any; However, this reference does not operate to reimpose same: SUBJECT TO Zoning Ordinances that may affect subject property; SUBJECT TO Taxes for the year 1999 and Subsequent Years.

and said grantor does hereby fully warrant the title to said land, and will defend the same against 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 year first above written.

WITNESSES

Typed Name: Cynthia I. Brown

Typed Name: Stephen B. Collins

Reginald Herman Mason
REGINALD HERMAN MASON

COUNTY OF ST. JOHNS
STATE OF FLORIDA

THE FOREGOING INSTRUMENT was acknowledged before me on February 5th, 1999 by REGINALD HERMAN MASON, a single person who is/are personally known to me or has produced his/her Driver's License as identification.

[Seal]

STEPHEN BOYD COLLINS
Notary Public, State of Florida
My Comm. expires Jan. 3, 2003
Comm. No. CC 798010

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
Printed Name: STEPHEN BOYD COLLINS
COMMISSION EXPIRATION:

St. Johns County Growth Management Services Department
Planning Division
4020 Lewis Speedway
St. Augustine, Florida 32084
904/823-2480

RECEIVED
235
MAR 08 2005
ST. JOHNS COUNTY
PLANNING DEPARTMENT



Comprehensive Plan Amendment Application Form

This application, together with ALL REQUIRED EXHIBITS, should be completed and filed with the Planning Division at least 5 working days prior to the established pre-application meeting.

File No. _____ Date March 8, 2005
Owner: Catherine S. Hagerty Applicant/Agent St. Johns County
Address 4224 Wicks Branch Road Address 4020 Lewis Speedway
City St. Augustine State FL City St. Augustine State FL
Zip 32085 Phone 904-797-1668 Zip 32084 Phone 904-209-0591

TYPE OF REQUEST: This is a request to amend the **St. Johns County 2015 Comprehensive Plan** as follows:

TEXT AMENDMENT (Sign certification statement and attach additional pages as necessary):

Element _____ Goal, Objective, or Policy # _____ Page _____

FUTURE LAND USE MAP AMENDMENT (Complete the following sections):

Existing Future Land Use Map Designation PUBLIC Zoning RS-3
Proposed Future Land Use Map Designation Res-C Zoning same

LOCATION/DESCRIPTION: Property Appraiser's Parcel Identification # 179010-0000;179020-0000

1. Street Address/Location 5811 A1A South & 5805 A1A South
2. Section: 22 Township: 8 S Range: 30 E PD: 5 Road Segment: 136 A1A
3. Block: J Lot/Parcel: 16 & 17 Subdivision: Butler's Beach, Unit 1
4. Census Tract: 021402 Census Block: NA
5. Total Acreage: 0.11 (4,917 square feet) Overall Dimensions: 49 x 100
6. Adjacent Future Land Use Map Designation/Zoning North: Public, Residential-C Coastal
South: Public, Res-C Coastal East: Res-C Coastal West: Public, Parks & Open Space
7. Flood Zone: AE
8. Wetlands: Yes: _____ No: X Type: _____ Acres: _____
9. Soil Associations: Immokalee Find Sand
10. Provide brief description of existing property. Include existing land cover and uses, any existing structures, infrastructure. The subject property consists of two platted lots of record for a total size of 0.11 acre (4,917 square feet). The property is located north of the Butler Beach Fire Station. Review of aerial imagery indicates the property is vegetated without any building improvements. The property fronts onto A1A South.

CONSISTENCY WITH COMPREHENSIVE PLAN:

11. Provide justification/reasons for not developing in designated development areas as shown on Future Land Use Map. Include economic reasons and, if available, market study. The subject property is and has been privately owned, yet

designated PUBLIC on the St. Johns County Future Land Use map. The land use designation does not provide for any development opportunities for privately held land.

12. Provide information regarding the consistency of the proposed land use amendment with the adopted Future Land Use Element objectives and Policies and any other relevant section of the Comprehensive Plan. Also address consistency with the Strategic Regional Policy Plan and the State Comprehensive Plan. The PUBLIC land use category of the St. Johns County Future Land Use category is not intended for privately owned property. The proposed small scale land use amendment will correct an oversight enabling residential development of the historically privately owned property. Additionally, the property is zoned for residential development. The land use amendment will provide consistency between the land use and zoning designations.

ESTIMATED IMPACT ON THE AVAILABILITY OF PUBLIC FACILITIES:

13. Describe how property is to be developed. Include phasing, uses and estimates of (a) number and type of dwelling units; (b) square feet and type of commercial/industrial uses; (c) open space and recreational area; (d) buffers; (e) wetlands; (f) drainage and infrastructure areas; and (g) other uses and sizes. Account for all acres. Provide phasing dates and anticipated buildout. The property maintains a zoning of RS-3 which provides for single family and/or manufactured/modular dwelling units. As a lot of record, each parcel is afforded one dwelling unit. A phasing schedule is not proposed for this development.

14. (a) The project will use: public sewer or private sewer or septic tank.
 (b) The project will use: public water or private water or private well.

The property is located within the St. Johns County service area.

15. (a) Will the project build its own water plant? Yes No.
 (b) Will the project build its own sewage plant? Yes No.

Not applicable. Size and scope of development will not require a private water/sewage plant.

16. If public or private utilities are to provide services, attach letters from the utility company or companies stating whether the utility company anticipates the availability of capacity to service the project through all phases. To be submitted.

17. Estimated Water and Sewage Demand: See calculations below estimated for total population resulting from two additional dwelling units.

	Phase (Years)	Use	GPD	Peak
Water	n/a	Residential	4.88 x 130 = 634	n/a
Sewage	n/a	Residential	4.88 x 100 = 488	n/a
Water Utility	Name: St. Johns County		Address:	
Sewer Utility	Name: St. John County		Address:	

18. Describe anticipated drainage system: The development will be required to comply with all applicable federal, state, regional & local drainage requirements.

19. Estimate the Solid Waste Demand by 5.7 pounds per person per day or by use. Indicate methodology: Estimated population equals 2.44 persons/unit, total number of units equals two (2) single family. Total population multiplied by 5.7 pounds per person per day equals 27.8 lbs/day.

Phase (Years)	Number of People or Use	Pounds per Day
	4.88	27.8 lbs/day

20. Estimate the Transportation Disadvantaged Van Services Demand by applying 1.5 percent times the number of Dwelling Units times 2.44 Persons Per Unit. (Only applies to residential developments.) See calculation below.

Phase (Years)	demand = Dwelling Units X 2.44 Persons Per Unit X 0.015
n/a	$2 \times 2.44 \times 0.015 = 0.0732$

21. Estimate the Recreation and Open Space Demand of residential projects by applying the following formulas:

(a) Number of Dwelling Units X 2.4 Persons Per Unit X 5 Acres Per 1,000 Population for Neighborhood/Community Park Recreation, by phase: $4.88/200 = 0.0244$ acre (1,062.8 square feet).

(b) Number of Units X 2.5 Persons Per Unit X 24 Acres per 1,000 Population for Regional/Open Space, by Phase.
 $4.88/41.6 = 0.11$ acres (5,109 square feet)

22. Traffic – Estimate Average Weekday Peak Hour Trips by phase by number of dwelling units and square feet of each on-residential use using the trip generation rates from the latest edition of the Institute of Transportation Engineers *Trip Generation Manual*. Not applicable. Determined to be a small project.

Phase (Years)	Dwelling Units or Square Feet of Each Use	Trips
n/a	2 dwelling units	2 PM peak hour trips

23. Estimate the area of impact using the *Traffic Impact Methodology and Procedures* contained in Appendix A of the **Land Development Code** and estimate the impacts on the Levels of Service on the segments within the Area of Impact by Phase. ATTACH CALCULATIONS (staff will complete for up to 29.99 peak hour trips. Staff to complete.)

Phase Years)	Road Segment #	Existing LOS	Project Trips	LOS with Project & Background Traffic by Phase End

REQUIRED EXHIBITS: (MUST BE SUBMITTED IN THIS ORDER)

1. Completed Applicant's Certification Form or Owner's Authorization for Agent Form.
2. Proof of ownership (copy of deed or purchase agreement, and title opinion).
3. Legal description and tax identification number.
4. General location map with subject property clearly identified.
5. Property Appraiser's Map with identification of subject property, zoning, and Comprehensive Plan Land Use Designation within 300 feet of property.
6. Comprehensive Plan Future Land Use Map with subject property clearly identified. To be submitted
7. Most recent aerial of site showing property boundaries.
8. Copy of soils map showing property boundaries.
9. Generalized site plan with uses, phases as described in Question 13...Not Applicable
10. Water and Sewer Utility letter, if applicable (Question 16).....
11. Twenty-six (26) copies of application and exhibits.

NOTE: On each map include north arrow, property outline, name of person or firm who prepared the map, date of map preparation, and source of the map.

I HEREBY CERTIFY THAT ALL INFORMATION IS CORRECT:

Signature of owner(s) or authorized person if Owner's Authorization Form is attached:

Printed or typed name(s): Bruce A. Ford

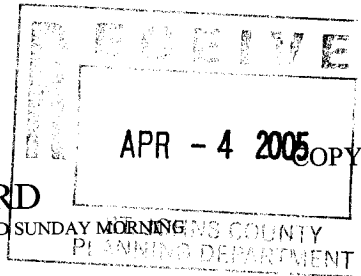
Signature(s): Bruce A. Ford

NAME AND ADDRESS OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION:

Name: _____

Mailing Address: _____

Phone: _____ FAX: _____ E-mail: _____



COPY OF ADVERTISEMENT

THE ST. AUGUSTINE RECORD

PUBLISHED EVERY MORNING MONDAY THROUGH FRIDAY, SATURDAY AND SUNDAY MORNING IN ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **CHARLES BARRETT** who on oath says that he 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 **DISPLAY ADVERTISEMENT** in the matter **NOTICE OF PUBLIC HEARING (5811 A1A SOUTH)** was published in said newspaper in the issues of **APRIL 1, 2005.**

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 he 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 **1ST** day of **APRIL, 2005.**

by *Charles Barrett* who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

Patricia A. Bergquist



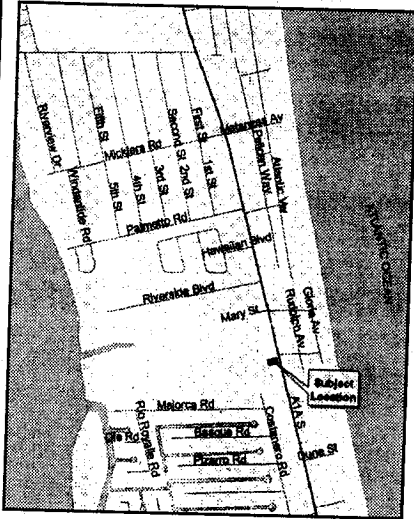
Patricia A. Bergquist
My Commission DD275991
Expires December 18, 2007

(Signature of Notary Public)

(Seal)

PATRICIA A. BERGQUIST

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED SMALL SCALE AMENDMENT TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2015 COMPREHENSIVE PLAN



NOTICE IS HEREBY GIVEN that a public hearing will be held on Thursday, April 21, 2005 at 1:30 p.m. by the St. Johns County Planning and Zoning Agency, and Wednesday, May 4, 2005 at 9:00 a.m. by the Board of County Commissioners, to consider a proposed amendment to the St. Johns County 2015 Future Land Use Map. Said hearings will be held in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida. All interested parties may appear at the public hearings to be heard regarding the proposed amendment.

The subject property is .11 acres (4,917 square feet) and is located at 5811 A1A South & 5805 A1A South. A complete description is available in the St. Johns County Planning Office. See map generally depicting the location. The amendment proposes to change the Future Land Use Map designation from Public to Residential-C.

The proposed amendment is known as File Number CPA (SS)-2005-03, Hagerty Property, and is available for review at the local County Planning Offices and Libraries and may be examined by interested parties prior to said public hearing.

If a person decides to appeal any decision made with respect to any matter considered at the meeting or hearing, he/she will need records of the proceedings and for such purpose may need to ensure that verbatim records of the proceedings are made, which record includes the testimony and evidence upon which appeal is to be based.

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 ADA Coordinator, at (904) 823-2501 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32095. 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.

RESIDENTS, PROPERTY OWNERS AND OTHER INTERESTED INDIVIDUALS ARE ENCOURAGED TO PARTICIPATE IN THESE PROCEEDINGS AND ALL OTHER COMPREHENSIVE PLANNING PROCESSES TO THE FULLEST EXTENT POSSIBLE.

PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
RONALD S. SCHUMAKER, CHAIRMAN
File Number: CPA(SS) 2005-03 Hagerty Property

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
BRUCE A. MAGUIRE, CHAIRMAN