(4)

ORDINANCE NUMBER: 2005-87

Public Records of
St. Johns County, FL
Clerk # 2005090433,
O.R. 2572 PG 180-183
10/28/2005 at 04:30 PM,
REC. $17.00 SUR. $18.50

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 OFFICE PROFESSIONAL (OP); 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, Karen Taylor the authorized agent for Erickson Development Inc filed an application on behalf of Legends Golf, LLC, the owners of lands described herein, incorporated by reference as File Number REZ 2005-19 for a zoning change, as approved by the Board of County Commissioners, as described hereinafter, and after required notice was published, a public hearing was held on the 20 day of Sept. 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 Office Professional (OP) 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 Office Professional (OP) is consistent with the St. Johns County Land Development Code.

4. The zoning district designation of Office Professional (OP) 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 2005-19 the zoning classification of the lands described within the legal description, Ehibit "A",

is hereby changed to Office Professional (OP).

Jackie Y. King
BCC Secty

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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 20 DAY OF Sept. 2005.

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: _____
Bruce A. Maguire, Chairman

ATTEST: CHERYL STRICKLAND, CLERK

BY: _____
Deputy Clerk

EFFECTIVE DATE: 09/27/05

RENDITION DATE 09/23/05

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EXHIBIT A
LEGAL DESCRIPTION

LEGAL DESCRIPTION OF REMAINDER PARCEL OF LEGENDS GOLF

A PART OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 7 SOUTH, RANGE 29 EAST AND A PART OF SECTION 31, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT A POINT AT THE INTERSECTION OF THE NORTH LINE OF SAID SECTION 36 WITH THE EASTERLY RIGHT-OF-WAY LINE OF THE FLORIDA EAST COAST RAILROAD (A 150- FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE, SOUTH 04°39'56" EAST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1228.32 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF A FLORIDA POWER & LIGHT EASEMENT AND UTILITY EASEMENT (A 100-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE, NORTH 87°46'28" EAST, ALONG SAID SOUTHERLY LINE, A DISTANCE OF 1444.03 FEET; TO THE POINT OF BEGINNING; THENCE, CONTINUE NORTH 87°46'28" EAST A DISTANCE OF 311.03 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD MOULTLRIE ROAD (COUNTY ROAD 5A, A 66 FOOT RIGHT-OF-WAY PER FLORIDA DEPARTMENT OF TRANSPORTATION SECTION NUMBER 7855-150), AND A POINT ON A CURVE, CONCAVE WESTERLY AND HAVING A RADIUS OF 2381.93 FEET; THENCE, SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE, A DISTANCE OF 72.14 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 04°07'12" WEST AND A CHORD DISTANCE OF 72.14 FEET TO THE POINT OF TANGENCY OF SAID CURVE; THENCE, SOUTH 04 °51'00" WEST, CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE A DISTANCE OF 128.38 FEET TO THE POINT OF CURVATURE OF A CURVE, CONCAVE EASTERLY AND HAVING A RADIUS OF 3852.83 FEET; THENCE, CONTINUING SOUTHERLY ALONG SAID WESTERLY RIGHT-OF-WAY LINE AND ALONG THE ARC OF SAID CURVE A DISTANCE OF 126.64 FEET, SAID ARC BEING SUBTENDED BY A CHORD BEARING OF SOUTH 03°54'30" WEST AND A CHORD DISTANCE OF 126.63 FEET TO A POINT ON SAID CURVE; THENCE, DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE SOUTH 87°46'28" WEST, A DISTANCE OF 274.26 FEET; THENCE, NORTH 02°07'43" WEST 325.00 FEET TO THE POINT OF BEGINNING.

SAID LANDS CONTAINING 1.56 ACRES MORE OR LESS.

St. Johns County Growth Management Services Department
Planning Division
P.O. Drawer 349, 4020 Lewis Speedway
St. Augustine, Florida 32095
Phone: 904 823-2480 Fax: 904 823-2498 E-mail: plandept@co.st-johns.fl.us

APPLICATION FOR REZONING

Date March 28, 2005 **File Number** _____ **Receipt Number** _____

1. Project Name Moultrie Office Rezoning

2. Applicant's Name, Address, and Phone No. Erickson Development, Inc. c/o Bruce Morris, 420 Mill Chase Court, Ponte Vedra Beach, FL 32082 (904) 803-6900

3. Owner's Name, Address, and Phone No. Legends Golf, LLC 2255 Old Moultrie Road St. Augustine, FL 32086

4. Property Location Old Moultrie Road between SR 312 and Lewis point Road adjacent to the Golf Driving Range

5. Legal Description See Exhibit A

6. Present Use of Property Vacant

7. Parcel ID Number 101650-0050 **8. Current Zoning** Open Rural (OR) **9. 2015 FLUM designation** Mixed Use

10. Section 36 **11. Township** 7 **12. Range** 29

13. Requested Change: To Rezone from Open Rural (OR) to Office Professional (OP).

14. Is Concurrency review required? Yes **15. Zoning Map Page #** 4E36NX **16. Size of Property** 1.56 acres

17. Utility Provider St. Johns County

18. Provide all of the following:

a. **List of adjacent property owners within 300 feet of the parcel to be rezoned showing name, address and brief legal description from current tax rolls. Address two legal size envelopes to each property owner on the list. Do not include a return address. Each envelope must contain proper postage. The order of the envelopes must match the order in which the names appear on the list.**

b. **Proof of ownership (deed or certificate by lawyer or abstract company or title company that verifies record owner as above). If the applicant is not the owner, a letter of authorization from the owner(s) for applicant to represent the owner for all purposes related to this application must be provided.**

c. **Legal description**

d. **Location Map (attach as Exhibit C and provide as specified in attached guidelines) and Text as required by Section 5.03.02.G of the Land Development Code.**

d. **Eighteen (18) copies of the complete application.**

e. **Application Fee. (A pre-application review fee may also be required.)**

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): Karen M. Taylor, Land Planner

Signature(s): _____

ADDRESS AND CONTACT INFORMATION OF PERSON TO RECEIVE ALL CORRESPONDENCE REGARDING THIS APPLICATION Name: Karen M. Taylor, Land Planner
Mailing Address: 3070 Harbor Drive, St. Augustine, Fl 32084
Phone: 904/826-0600 **FAX:** 904/825-4180 **E-mail:** 4taylors@aug.com

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 13TH DAY OF October 20 05
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners
BY: Yvonne King D.C.

ST. JOHNS COUNTY FLORIDA

SEP - 6 2005

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 **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 **NOTICE OF HEARING** in the matter of **REZ 05-16 MOULTREE** was published in said newspaper in the issues of

SEPTEMBER 2, 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 **2ND** day of **SEPTEMBER, 2005.**

by [signature] who is personally known to me or who has produced **PERSONALLY KNOWN** as identification.

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

[signature]

(Signature of Notary Public) (Seal)

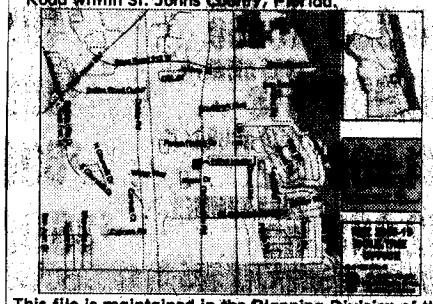
PATRICIA A. BERGQUIST

COPY OF ADVERTISMENT

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, September 20, 2005 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 Office & Professional (OP).

The subject property is located at 2255 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 the County's ADA Coordinator at (904) 823-2235 or at the County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida, 32085. 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 in conjunction with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, [illegible] Drawer [illegible], St. Augustine, Florida, [illegible].

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
BRUCE A. MAGUIRE, CHAIRMAN
FILE NUMBER: REZ 2005-19
Moultrie Office Rezoning
L2219-5 Sept 2, 2005