

3

ORDINANCE NUMBER: 2006-125

Public Records of
St. Johns County, FL
Clerk # 2006084439,
O.R. 2819 PG 1052-1054
11/17/2006 at 10:58 AM,
REC. \$13.00 SUR. \$14.00

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) AND RESIDENTIAL SINGLE FAMILY (RS-3) 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, the development of the lands within this rezoning shall proceed in accordance with the application, dated June 20, 2006 in addition to supporting documents and statements from the applicant which are a part of Zoning File REZ 2005-56, as approved by the Board of County Commissioners, and incorporated by reference into and made part hereof this Ordinance. In the case of conflict between the application, the supporting documents, and the below described special provisions of this Ordinance, the below described provisions shall prevail.

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 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 Intensive (CI) is consistent with the St. Johns County Land Development Code.
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.

Jacket - y. King
M+R

SECTION 2. Pursuant to this application File Number REZ 2005-56 the zoning classification
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 31 DAY OF October, 2006.

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

BY: James E. Bryant
James E. Bryant, Chairman

RENDITION DATE 11/06/06

ATTEST: CHERYL STRICKLAND, CLERK

BY: Cheryl Strickland
Deputy Clerk

EFFECTIVE DATE: 11/07/06



Ordinance Book 42 Page 486

Exhibit A

PARCEL NO. 1: A PART OF GOVERNMENT LOT 7, OF SECTION 6, TOWNSHIP 8 SOUTH, RANGE 30 EAST; COMMENCING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY LINE OF U.S. ROAD #1 AND THE NORTH LINE OF SAID GOVERNMENT LOT 7 OF SECTION 8, TOWNSHIP 8 SOUTH, RANGE 30 EAST, SAID POINT BEING 100 FEET WEST OF THE CENTER LINE OF SAID ROAD; FROM SAID POINT RUN WESTERLY ALONG THE NORTH LINE OF SAID GOVERNMENT LOT, 594 FEET; RUN THENCE SOUTHERLY AT RIGHT ANGLE TO THE NORTH LINE OF SAID GOVERNMENT LOT, 330 FEET; RUN THENCE EASTERLY, PARALLEL TO THE NORTH LINE OF SAID GOVERNMENT LOT, 594 FEET TO THE WEST RIGHT-OF-WAY LINE OF SAID U.S. ROAD #1; RUN THENCE NORTHERLY ALONG THE WEST RIGHT-OF-WAY LINE OF SAID U.S. ROAD #1, 330 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 2: LOTS 1, 2 AND THE EAST 72 FEET OF LOT 3 OF BLOCK "J" OF PARQUE AVILES, A SUBDIVISION OF LOT 6, SECTION 6, TOWNSHIP 8 SOUTH, RANGE 30 EAST, AS PER PLAT RECORDED IN MAP BOOK 3, PAGE 139, 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 2005 AND SUBSEQUENT YEARS.

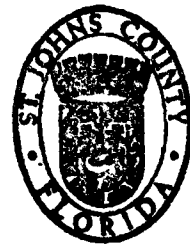
RECEIVED

NOV 04 2005

ST. JOHNS COUNTY
PLANNING DEPARTMENT

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 16th DAY OF November 20 06
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners

BY: Yvonne King D.C.



The St. Augustine Record

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

COPY OF ADVERTISEMENT

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 **06-6 DEVAGREE DIMARE**
was published in said newspaper in the issues of
OCTOBER 2, 2006.

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 **OCTOBER 2006.**

by *Patricia A. Bergquist* 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 Tuesday, October 17, 2006 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 Residential Single Family (RS-3) and Commercial General (CG) to Commercial Intensive (CI).

The subject property is located at 3335 US1 South within St. Johns County, Florida.

REZ 2005-56
OSBARE TRACTOR SUPPLY

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) 209-0650 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. 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.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JAMES BRYANT, CHAIRMAN
FILE NUMBER: REZ 2005-56
Dimare Tractor Supply
L2812-6 Oct 2, 2006**

The St. Augustine Record

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

COPY OF ADVERTISEMENT

STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **SARAH SELFRIDGE** 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 **REZ 05-56 DIMARE TRACTOR** was published in said newspaper in the issues of **OCTOBER 23, 2006.**

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 23RD day of **OCTOBER 2006.**

by Sarah Selfridge 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 DG275991
Expires December 18, 2007

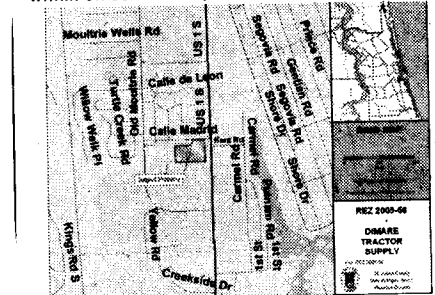
(Seal)

PATRICIA A. BERGQUIST

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BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JAMES BRYANT, CHAIRMAN
FILE NUMBER: REZ 2005-56
Dimare Tractor Supply
L3075-6 Oct 23, 2006



STATE OF FLORIDA
DEPARTMENT OF STATE
STATE LIBRARY AND ARCHIVES OF FLORIDA

JEB BUSH
Governor

SUE M. COBB
Secretary of State

November 7, 2006

Ms. Cheryl Strickland
Clerk of the Circuit Court
St. Johns County
4010 Lewis Speedway
St. Augustine, Florida 32084-8637

Attention: Yvonne King, Minutes and Records Division

FILED
06 NOV 13 AM 9:58
CHERYL STRICKLAND
CLERK COUNTY COMMISSION
ST. JOHNS COUNTY FL

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 6, 2006 and certified copies of St. Johns County Ordinance Nos. 2006-125 through 2006-130, which were filed in this office on November 7, 2006.

Sincerely,

Liz Cloud
Program Administrator

LC/bpn

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6735 • TDD: 850.922.4085 • <http://dils.dos.state.fl.us>

COMMUNITY DEVELOPMENT
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850.488.9879

RECORDS MANAGEMENT SERVICES
850.245.6750 • FAX: 850.245.6795

ADMINISTRATIVE CODE AND WEEKLY
850.245.6270 • FAX: 850.245.6282

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