

ORDINANCE NO. 2007 - 22

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, RESCINDING ORDINANCE NO. 2007-2, ADOPTED ON JANUARY 9, 2007; AND AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE 2015 FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL-A TO RESIDENTIAL-C, FOR LOT 10 LOCATED ON THE NORTH SIDE OF BISHOP ESTATES ROAD ON JULINGTON CREEK AND THE NORTH HALF OF LOT 16 LOCATED WEST OF ORANGE AVE.; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, the Board finds it necessary to rescind Ordinance No. 2007-2 due the small scale future land use amendment not meeting the Department of Community Affairs (DCA) small scale amendment requirements pursuant to Section 163.3187 (1) II (f), Florida Statutes (F.S.). As stated, DCA only allows a maximum of 10 units per acre as shown on St. Johns County's adopted Future Land Use Map for small scale comprehensive land use amendments.

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

WHEREAS, Section 163.3184, 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 Board of County Commissioners rescinds Ordinance 2007-2, adopted January 9, 2007.

SECTION 2. The St. Johns County 2015 Comprehensive Plan is amended to change the 2015 Future Land Use Map designation from Residential - A to Residential - C, for lot 10 located north of Bishop Estate Road on Julington Creek and the North half of lot 16 located west of Orange Ave.; as shown on **EXHIBITS A and B**; based on the following Findings of Fact:

- (a) The amendment was fully considered after public hearing pursuant to 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 and the St. Johns County Land Development Code.

SECTION 2. The remaining portions of the St. Johns County Comprehensive Plan, 2000-34 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 effect the validity of the remaining portions.

SECTION 4. The amendment to the St. Johns County Comprehensive Plan shall become effective on the date the State Land Planning Agency issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184 (9) Florida Statutes, or in the alternative and if applicable on the date the Florida Administration Commission issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184 (10) Florida Statutes.

SECTION 5. This ordinance shall be recorded in a book of land use regulation ordinances 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 3rd DAY OF April 2007.

BOARD OF COUNTY COMMISSISONERS OF ST. JOHNS COUNTY, FLORIDA
BY: Ben Rich
Ben Rich, Chairman

RENDITION DATE 04/05/07

ATTEST: Cheryl Strickland, Clerk

BY: Venetta King
Deputy Clerk

EFFECTIVE DATE: 02/09/07

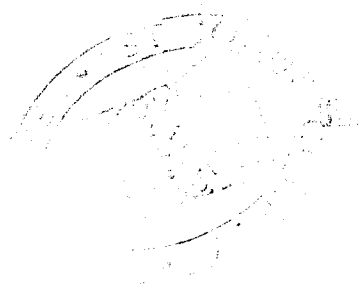
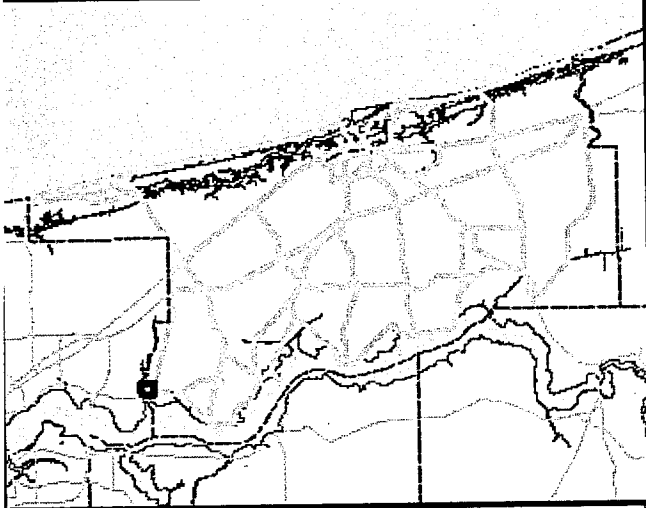
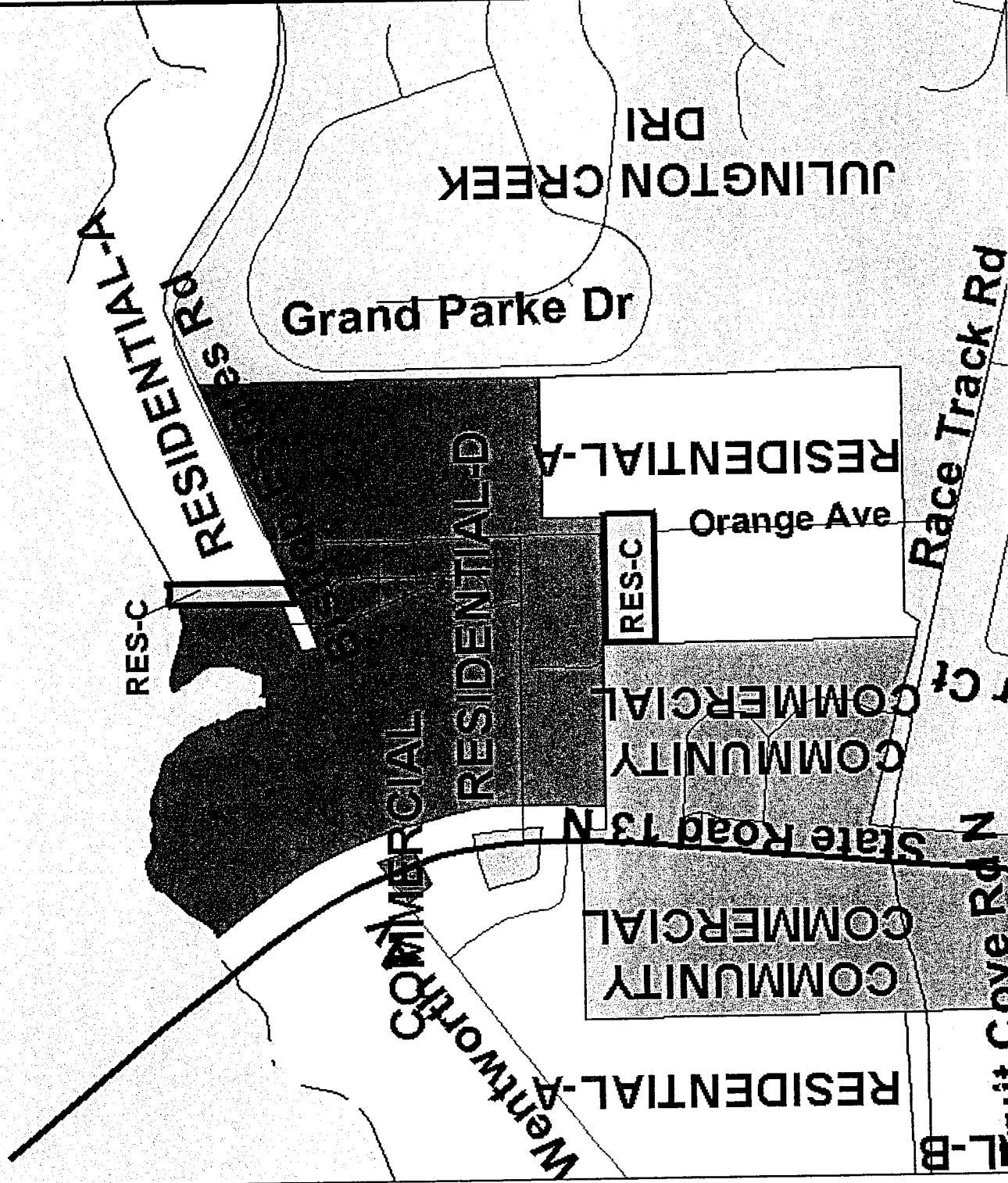
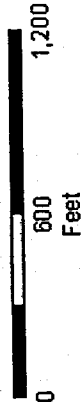


EXHIBIT A

2015 Future Landuse
From Residential-A
To Residential-C



FUTURE LAND USE MAP



Map Prepared: 3/7/2007

*Depicts General Project Boundary

CPA (SS) 2006-12

Wesley Manor Inc.
c/o Westminster
Services

File: CPA (SS) 2006-12



St. Johns County
Growth Mgmt. Svcs.
Planning Division

EXHIBIT B
Legal Description
(Plus New Parcels)

LEGAL DESCRIPTION OF WESLEY WOODS ON JULINGTON CREEK, SAINT JOHNS COUNTY, FLORIDA

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING A PORTION OF GOVERNMENT LOT 1, SECTION 29, A PORTION OF GOVERNMENT LOT 1, SECTION 30, TOWNSHIP 4 SOUTH, RANGE 27 EAST, SAINT JOHNS COUNTY, FLORIDA TOGETHER WITH LOTS 11, 12, 13 AND A PORTION OF LOT 14 AND A CLOSED PORTION OF JULINGTON BOULEVARD, OF JULINGTON PLACE, SAID JULINGTON PLACE ACCORDING TO PLAT RECORDED IN MAP BOOK 5, PAGE 28, OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS; FOR A POINT OF BEGINNING COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 13, SAID POINT BEING WHERE THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF JULINGTON BOULEVARD (A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) INTERSECTS THE WESTERLY RIGHT-OF-WAY LINE OF ORANGE STREET (A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AND RUN SOUTH 01°-18'-30" EAST ALONG LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 962.26 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BISHOP ESTATES ROAD (A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); RUN THENCE SOUTH 89°-20'-20" WEST ALONG LAST MENTIONED NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 520.32 FEET TO AN ANGLE POINT; RUN THENCE NORTH 88°-47'-39" WEST ALONG LAST MENTIONED NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 645.45 FEET TO A POINT ON A CURVE IN THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 13 (RIGHT-OF-WAY VARIES ACCORDING TO DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR SECTION 78070-2517); RUN THENCE IN A NORTHERLY DIRECTION ALONG THE ARC OF A CURVE IN LAST MENTIONED EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE TO THE WEST AND HAVING A RADIUS OF 1482.69 FEET, A CHORD DISTANCE OF 940.29 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING NORTH 19°-04'-26" WEST; RUN THENCE NORTH 37°-33'-39" WEST ALONG NORTHEASTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD 13, A DISTANCE OF 411 FEET, MORE OR LESS, TO A POINT ON THE APPARENT MEAN HIGH WATER LINE OF JULINGTON CREEK; RUN THENCE IN A NORTHEASTERLY AND EASTERLY DIRECTION ALONG LAST MENTIONED MEAN HIGH WATER LINE (EXCLUDING THE EXCAVATED INLET), A DISTANCE OF 1613 FEET, MORE OR LESS, TO A POINT WHERE LAST MENTIONED MEAN HIGH WATER LINE INTERSECTS THE EASTERLY LINE OF THE AFOREMENTIONED LOT 11, JULINGTON PLACE; RUN THENCE SOUTH 01°-18'-07" EAST ALONG LAST MENTIONED EASTERLY LINE, A DISTANCE OF 509 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID LOT 11, SAID POINT LYING ON THE NORTHWESTERLY RIGHT-OF-WAY LINE OF SAID JULINGTON BOULEVARD; THENCE CONTINUE SOUTH 01°-18'-07" EAST ALONG THE SOUTHERLY PROLONGATION OF LAST MENTIONED EASTERLY LINE, A DISTANCE OF 65.12 FEET TO A POINT ON THE AFOREMENTIONED SOUTHEASTERLY RIGHT-OF-WAY LINE OF JULINGTON BOULEVARD; RUN THENCE 65°-49'-29" EAST ALONG LAST MENTIONED NORTHEASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 335.01 FEET TO THE POINT OF BEGINNING.

THE LAND THUS DESCRIBED CONTAINS 41.3 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.

TOGETHER WITH:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING A PORTION OF GOVERNMENT LOTS 1 AND 2, SECTION 29, A PORTION OF GOVERNMENT LOTS 1 AND 2, SECTION 30, TOWNSHIP 4 SOUTH, RANGE 27 EAST, SAINT JOHNS COUNTY, FLORIDA TOGETHER WITH A PORTION OF LOT 15 OF JULINGTON PLACE, SAID JULINGTON PLACE BEING ACCORDING TO PLAT RECORDED IN MAP BOOK 5, PAGE 28, OF THE PUBLIC RECORDS OF SAID COUNTY AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 13 OF JULINGTON PLACE, SAID POINT BEING WHERE THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF JULINGTON BOULEVARD (A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) INTERSECTS THE WESTERLY RIGHT-OF-WAY LINE OF ORANGE STREET (A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) AND RUN SOUTH 01°-18'-30" EAST ALONG LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 962.26 FEET TO A POINT LYING ON THE NORTHERLY RIGHT-OF-WAY LINE OF BISHOP ESTATES ROAD (A 60-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE CONTINUE SOUTH 01°-18'-30" EAST ALONG LAST MENTIONED WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 60.00 FEET TO A POINT LYING ON THE SOUTHERLY RIGHT-OF-WAY LINE OF BISHOP ESTATES ROAD FOR THE POINT OF BEGINNING.

TOGETHER WITH:

THE NORTH 1/2 OF LOT 16, JULINGTON PLACE, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE 28, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

TOGETHER WITH:

LOT 10, JULINGTON PLACE, ACCORDING TO PLAT THEREOF RECORDED IN MAP BOOK 5, PAGE 28 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

The St. Augustine Record

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

COPY OF ADVERTISEMENT

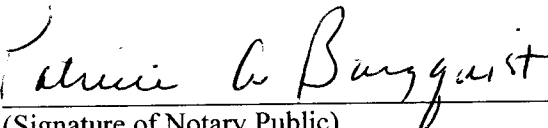
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

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 a **DISPLAY ADVERTISEMENT**
in the matter of **CPA (SS) 2006-12 WESLY MANOR INC**
was published in said newspaper in the issues of
MARCH 19, 2007.

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 APRIL, 2007.**

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


(Signature of Notary Public)



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

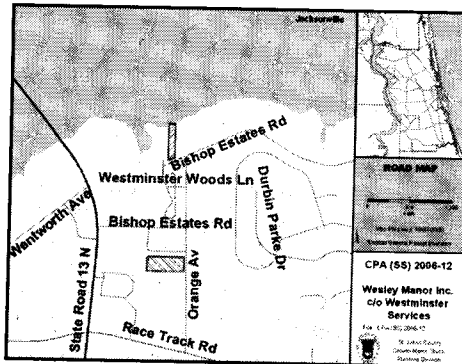
(Seal)

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. CORRECTION

NOTICE IS HEREBY GIVEN that the St. Johns County Board of County Commissioners on Tuesday, April 3, 2007 at 9:00 a.m. will hold a public hearing to consider adoption of a proposed Small Scale Future Land Use amendment to the St. Johns County Future Land Use Map of the 2015 Comprehensive Plan. Said hearing will be held in the County Auditorium, County Administration Building, 4020 Lewis Speedway, St. Augustine, Florida. All interested parties may appear at the public hearing to be heard regarding the proposed amendment. Items not heard by 6pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.



The subject property is 3.518 acres and is located at 270 Orange Avenue (N1/2 Lot 16) and 1687 Bishop Estates Road (Lot 10) in Julington Place, within St. Johns County. 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 Residential A to Residential C.

The proposed amendment is known as File Number CPA(SS) 2006-12 Wesley Manor, Inc., c/o Westminister Services, Inc., and is available for review at the local County Planning Office 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 meetings or hearings, he/she will need a record of the proceedings and for such purpose may need to ensure that verbatim records of the proceedings are made, which records include 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 a special accommodation to participate in the proceedings should contact the ADA Coordinator at (904)209-0650 at the County Administration Building, 4020 Lewis Speedway, St. Augustine, FL 32085. For hearing impaired individuals, Telecommunications Device for the Deaf (TDD), call Florida Relay Service at 1-800-955-8770, no later than 5 days prior to the date of the hearings.

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.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
BEN RICH, CHAIRMAN
File Number: CPA(SS) 2006-12 Wesley Manor, Inc.,
c/o Westminister Services, Inc.