

ORDINANCE NO. 2007 - 71

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RURAL SILVICULTURE(R/S) TO COMMUNITY COMMERCIAL(CC), FOR PROPERTY LOCATED SOUTH OF THE INTERSECTION OF INTERSTATE 95 AND STATE ROAD 207 CONTAINING APPROXIMATELY 8.26 ACRES, PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND 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 163.3184, 163.3187 and 163.3189 Florida Statutes provide 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 Rural Silviculture (R/S) to Community Commercial (CC) for property located south of the intersection of Interstate 95 and State Road 207, 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 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 in compliance.

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 18th DAY OF September 2007.

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

BY: _____

Ben Rich
Ben Rich, Chair

REVISION DATE 09/21/07

ATTEST: Cheryl Strickland, Clerk

BY: _____

Yvonne King
Deputy Clerk

EFFECTIVE DATE: _____

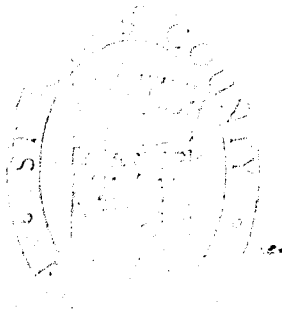
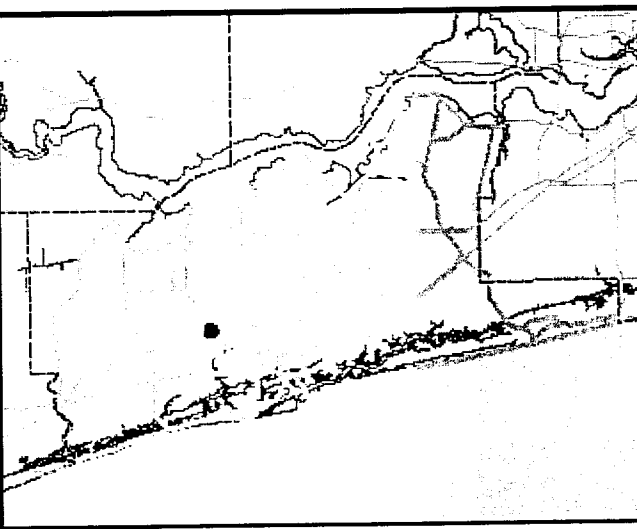
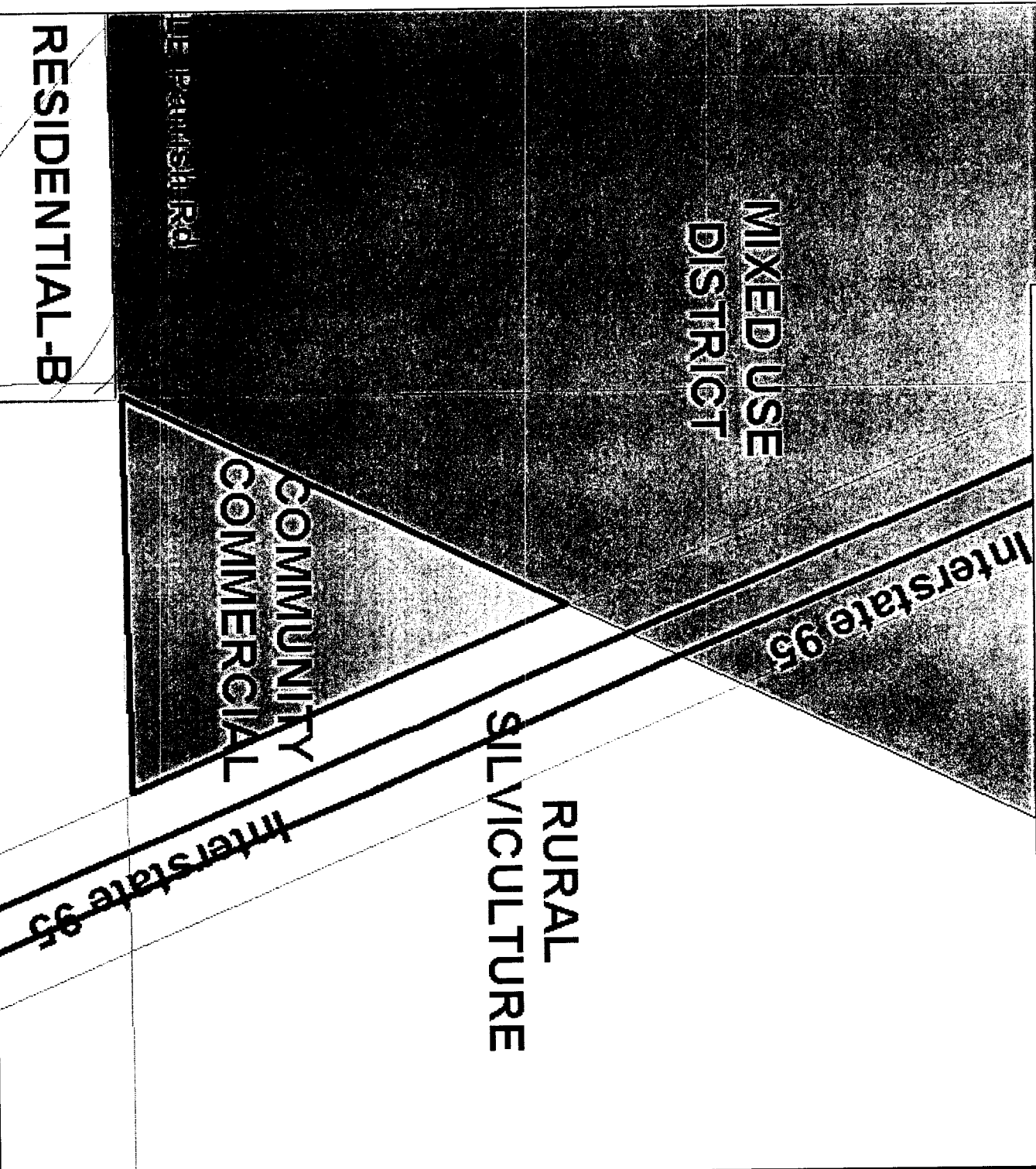


EXHIBIT A
 2015 Future Landuse
 From RURAL SILVICULTURE
 To COMMUNITY COMMERCIAL



Map Prepared: 8/6/2007
 *Depicts General Project Boundary

CPA (SS) 2007-02
Burke Parcel



St. Johns County
 Growth Mgmt. Svcs.
 Planning Division

File: CPA (SS) 2007-02

LEGAL DESCRIPTION

Parent Tract Legal Description:

Those lands as intended to be described in Official Records Book 1849, Page 290 as recorded in the Public Records of St. Johns County, Florida, said lands also being a portion of Section 10, Township 8 South, Range 29 East of said County and being more particularly described as follows:

For a point of reference, commence at a 4" x 4" concrete monument identified as "Moody" at the Southwest corner of Section 10, Township 8 South, Range 29 East, St. Johns County, Florida, as surveyed by "Moody" and accepted by Emmett Pacetti, Florida Registered Surveyor number 893, and recorded in Map Book 10, Page 12, of the Public Records of St. Johns County, Florida;

Thence North 00°38'08" West, along the Westerly line of said Section 10, a distance of 9.30 feet to the Point of Beginning; thence continue North 00°38'08" West, along said Westerly line, a distance of 1996.97 feet to the Westerly Right of Way line of Interstate 95 (a 300.00 foot wide Right of Way as presently established); thence South 23°07'43" East, along said Westerly Right of Way line, a distance of 2157.37 feet; thence South 89°06'22" West, departing said Westerly Right of Way line, a distance of 825.36 feet to the Point of Beginning.

St. Johns County Parcel Identification Number: 136660 0030



Comprehensive Plan Amendment Parcel Legal Description:



For a point of reference, commence at a 4" x 4" concrete monument identified as "Moody" at the Southwest corner of Section 10, Township 8 South, Range 29 East, St. Johns County, Florida, as surveyed by "Moody" and accepted by Emmett Pacetti, Florida Registered Surveyor number 893, and recorded in Map Book 10, Page 12, of the Public Records of St. Johns County, Florida;

Thence North 00°38'08" West, along the Westerly line of said Section 10, a distance of 9.30 feet to the Point of Beginning; thence run North 27°23'12" East a distance of 989.89 feet; thence run South 23°07'43" East a distance of 941.76 feet; thence run South 89°06'22" West a distance of 825.37 feet to the Point of Beginning.
Parcel comprises 8.26 acres, more or less.

EXHIBIT B

The St. Augustine Record

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

COPY OF ADVERTISEMENT

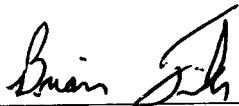
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

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 **CPA(SS) 2007-02 BURKE PARCEL**
was published in said newspaper in the issues of **SEPTEMBER 3, 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 **5TH** day of **SEPTEMBER, 2007.**

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



(Signature of Notary Public)



Brian Fike
My Commission **DC327588**
Expires June 09, 2008

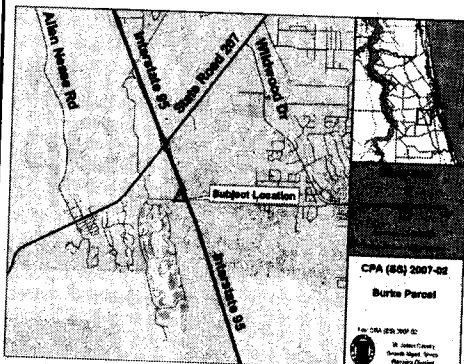
(Seal)

BRIAN FIKE

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 the St. Johns County Board of County Commissioners on **Tuesday, September 18, 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 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.



The subject property is 9.1 acres and is located west of R/W of I-95, South of SR 207 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 Rural Silviculture to Community Commercial.

The proposed amendment is known as File Number CPA(SS) 2007-02 Burke Parcel, 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) 2007-02 Burke Parcel