

1
3
ORDINANCE NUMBER: 2008-23

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 COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

Public Records of
St. Johns County, FL
Clerk # 2008027670,
O.R. 3081 PG 977-979
05/14/2008 at 03:22 PM,
REC. \$13.00 SUR. \$14.00

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 October 5, 2007, in addition to supporting documents and statements from the applicant which are a part of Zoning File REZ 2007-33 Bella Rezoning, 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.1.3.12)
 - (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.

SECTION 2. Pursuant to this application File Number REZ 2007-33 the zoning classification of the lands

St + let - y. King
M+R

described within the attached legal description, Exhibit "A",

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 29 DAY OF April 2008.

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

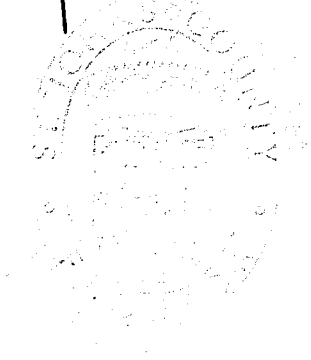
BY: *Thomas G. Manuel*
Thomas G. Manuel, Chairman

REVISION DATE 05/02/08

ATTEST: CHERYL STRICKLAND, CLERK

BY: *Cheryl Strickland*
Deputy Clerk

EFFECTIVE DATE: 05/05/08



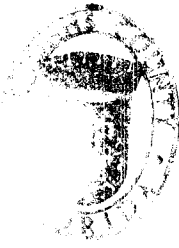
Exhibit

HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN ST. JOHNS COUNTY, FLORIDA

WITNESS
THIS 13th
CHERYL S.
Ex-Officio Clk.

May 08

BY: *L. Vanessa King*



Revised Legal description 1/24/08

PARCEL 1:

A PARCEL OF LAND SITUATED IN GOVERNMENT LOT 3, SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY BOUNDED AND DESCRIBED AS FOLLOWS: COMMENCE AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 207 AND THE EASTERLY RIGHT OF WAY LINE OF HILLTOP ROAD AS THEY CURRENTLY EXIST; THENCE NORTH 36° 32' 08" EAST ALONG THE SOUTHERLY RIGHT OF WAY LINE OF STATE ROAD 207 (145 FOOT RIGHT OF WAY) A DISTANCE OF 251.79 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE CONTINUE NORTH 36° 32' 08" EAST LONG SAID SOUTHERLY RIGHT OF WAY 436.63 FEET; THENCE SOUTH 01° 07' 44" EAST ALONG THE WESTLINE OF ST. AUGUSTINE HEIGHTS, AS RECORDED IN MAP BOOK 10, PAGES 26 THROUGH 28 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, AND ITS NORTHERLY EXTENSION 554.02 FEET TO THE SOUTH LINE OF SAID GOVERNMENT LOT 3; THENCE SOUTH 89° 44' 57" WEST ALONG SAID SOUTH LINE OF SAID GOVERNMENT LOT 3 A DISTANCE OF 117.92 FEET TO THE CENTERLINE OF A 40 FOOT DEPARTMENT OF TRANSPORTATION DRAINAGE EASEMENT; THENCE NORTH 17° 29' 52" WEST ALONG SAID CENTERLINE 118.76; THENCE NORTH 52° 22' 52" WEST ALONG SAID CENTERLINE 147.99 FEET TO THE POINT OF BEGINNING. (THE BASIS OF BEARING FOR THE HEREIN DESCRIBED PARCEL IS THE SOUTHERLY RIGHT OF WAY LINE OF STATE RD 207 WHOSE ASSUMED BEARING BEARS NORTH 36 32' 08" EAST).
LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF STATE ROAD 207, AS PRESENTLY ESTABLISHED.

PARCEL 2:

A PORTION OF THE SOUTHWEST ONE-QUARTER (SW ¼) OF SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 35; THENCE NORTH 00° 18' 29" EAST, ALONG THE WEST LINE OF SAID SECTION 35, A DISTANCE OF 1954.86 FEET; THENCE NORTH 89° 59' 28" EAST, A DISTANCE OF 1076.80 FEET TO A POINT OF BEGINNING; THENCE CONTINUE NORTH 89° 59' 28" EAST, A DISTANCE OF 137.79 FEET TO A POINT ON THE WEST LINE OF ST. AUGUSTINE HEIGHTS; THENCE NORTH 00° 27' 30" EAST, ALONG THE SAID WEST LINE, A DISTANCE OF 591.68 FEET; THENCE EAST A DISTANCE OF 24.59 FEET; THENCE NORTH 00° 55' 00" WEST, A DISTANCE OF 73.30 FEET; THENCE SOUTH 89° 59' 27" WEST, A DISTANCE OF 435.94 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE ROAD 207; THENCE 36° 23' 12" WEST ALONG THE SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 8.94 FEET TO THE POINT OF INTERSECTION WITH THE CENTERLINE OF HILL TOP ROAD; THENCE SOUTH 22° 42' 48" EAST, ALONG SAID CENTERLINE, A DISTANCE OF 713.00 FEET TO THE POINT OF BEGINNING; SAID LAND SITUATE LYING AND BEING IN ST. JOHNS COUNTY, FLORIDA.
LESS AND EXCEPT ANY PORTION THEREOF LYING WITHIN THE RIGHT OF WAY OF HILLTOP ROAD, AS PRESENTLY ESTABLISHED.

LESS AND EXCEPT PORTIONS PREVIOUSLY CONVEYED IN OFFICIAL RECORDS BOOK 1470, PAGE 1171, OFFICIAL RECORDS BOOK 2164, PAGE 1254 AND OFFICIAL RECORDS BOOK 2289, PAGE 1828, ALL OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA
Verified by: JNR & CAL

Subject To covenants, conditions, restrictions, reservations, limitations, easements and agreements of record, if any; taxes and assessments for the year 2006 and subsequent years; and to all applicable zoning ordinances and/or restrictions and prohibitions imposed by government authorities, if any,

Together, with all tenements, hereditament and appurtenances thereto belonging or in anywise appertaining.

To Have and to Hold, the same in fee simple forever.

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 **CHANELL GATEWOOD**

who on oath says that she is an Employee 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 **NOTICE OF HEARING**

In/ the matter of **REZONING 07-33/BELLA REZONING**

was published in said newspaper **APR 14, 2008.**

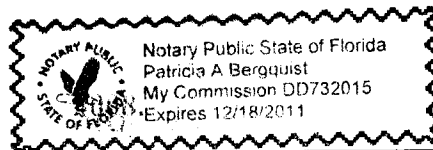
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 **14th** day of **APRIL 2008.**

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

Patricia A Bergquist

(Signature of Notary Public)
PATRICIA A BERGQUIST

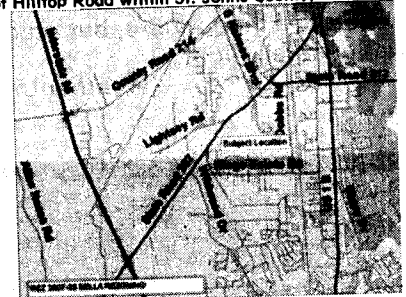


(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, April 29, 2008 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 Commercial Intensive (CI). 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 located on SR 207, northeast of Hilltop Road within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the Permit Center, 4040 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, 4040 Lewis Speedway, St. Augustine, Florida, 32085.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
THOMAS MANUEL, CHAIRMAN
FILE NUMBER: REZ 2007-33 Bella Rezoning
L1054-8 Apr 14, 2008**