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ORDINANCE NUMBER: 2009 - 3

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL RURAL (CR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

Public Records of
St. Johns County, FL
Clerk # 2009006062,
O.R. 3161 PG 1339-1341
02/06/2009 at 01:42 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 July 23, 2008, in addition to supporting documents and statements from the applicant **which are a part of Zoning File REZ 2008-14 Elkton Center 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, the Board of County Commissioners 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 Rural (CR)** 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 Rural (CR)** is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of **Commercial Rural (CR)** is consistent with the land uses allowed in the land use designation of Rural Commercial as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application File Number REZ 2008-14 the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to Commercial Rural (CR).

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 20th DAY OF January, 2009.

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

BY: Cyndi Stevenson
Cyndi Stevenson, Its Chair

REVISION DATE 01-22-09

ATTEST: CHERYL STRICKLAND, CLERK

BY: Walter King
Deputy Clerk

EFFECTIVE DATE: 01-27-09



EXHIBIT "A"

All that part of the Northeast 1/4 of the Northeast 1/4 of Section 25, Township 8 South, Range 28 East, St. Johns County, Florida, lying Southeasterly of the former 100 foot Railroad Right-of-Way now a FDOT Corridor and lying 40 feet Westerly of the center line for State Road S-305. TOGETHER WITH the North 100 feet of that part of the Southeast 1/4 of the Northeast 1/4 of said Section 25, lying Easterly of the former 100-foot Railway Right-of-Way now a FDOT Corridor and lying 40 feet Westerly of the center line for State Road S-305.

LESS AND EXCEPT that part conveyed to the State of Florida Department of Transportation as recorded in Official Records Book 1721, Page 587 and ORDER OF TAKING as recorded in Official Records Book 1097, Page 1710 as corrected in Official Records Book 1100, Page 608 of the public records of St. Johns County, Florida.

Being more fully described as follows:

COMMENCE at the Northeast corner of a parcel of land as described in Official Records Book 1721, Page 587, also being the intersection of the projected West Right-of-Way line of County Road #305 (Having a width of 80 feet) and the former Southerly Right-of-Way of the F.E.C. Railroad; the South 43 degrees 02 minutes 24 seconds West, along the Northwestern line of said parcel as recorded in Official Records Book 1721, Page 587, 28.76 feet to the POINT OF BEGINNING; thence continue South 43 degrees 02 minutes 24 seconds West along the Southerly Right-of-Way line of State Road #207, as per Right of State Road Right-of-Way Maps, 804.28 feet to a point lying 100 feet South of the South line of the Northeast 1/4 of the Northeast 1/4 of said Section 25; thence North 88 degrees 08 minutes 14 seconds East parallel to and 100 feet South of the South line of the Northeast 1/4 of the Northeast 1/4 of said Section 25, 573.25 feet to the West Right-of-Way line of County Road #305; thence North 00 degrees 23 minutes 17 seconds West, along said West Right-of-Way line, 561.15 feet; thence North 68 degrees 40 minutes 26 seconds West (Deed North 68 degrees 38 minutes 23 seconds West), along the Southerly line of aforementioned Parcel as recorded in Official Records Book 1721, Page 587, 21.28 feet (Deed 21.17 feet) to the POINT OF BEGINNING.

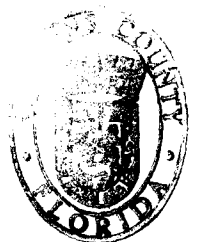
Legal Description Approved by:

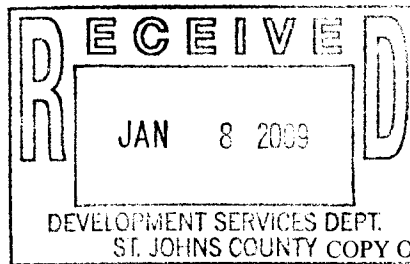
ART JS

(Grantor's Initials)

COPY

5th February 09
and of County Commissioners
Yvonne King D.C.





The St. Augustine Record

PUBLISHED EVERY MORNING SUNDAY THRU SATURDAY ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared ULINDA E. VERSTRAATI

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 PROPOSED REZ

In/the matter of REZ2008-14 ELKTON CTR

L 16-9 was published in said newspaper JAN 05, 2009

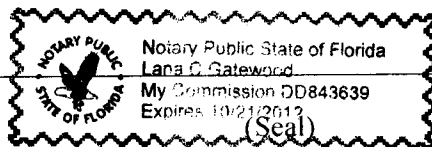
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 she 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 JAN 2009

by Ulinda E Verstraate who is personally known to me or who has produced PERSONALLY KNOWN as identification

Signature of Notary Public: Lana C. Gatewood

(Signature of Notary Public) LANA C. GATEWOOD

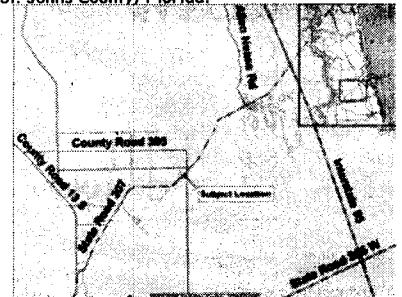


NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, January 20, 2009 at 9:00 a.m. by the St. Johns County Board of County Commissioners in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to issue a decision on

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL WAREHOUSE (IW) TO COMMERCIAL RURAL (CR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located south of SR 207 just west of its intersection with CR 305 in Elkton, 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. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

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, 500 San Sebastian View, 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 in compliance with Resolution 95-126, to properly noticed public hearings or to written communication care of St. Johns County Planning Division, 4040 Lewis Speedway, St. Augustine, Florida, 32085.

PLANNING AND ZONING AGENCY ST. JOHNS COUNTY, FLORIDA CYNDI STEVENSON, CHAIR FILE NUMBER: REZ 2008-14 ELKTON CENTER REZONING

L16-9 Jan 5, 2009



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

January 29, 2009

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

Attention: Ms. Yvonne King, Minutes & Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated January 26, 2009 and certified copies of St. Johns County Ordinance Nos. 2009-3 through 2009-5, which were filed in this office on January 27, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

FILED
09 FEB -5 AM 11:20
CLERK OF CIRCUIT COURT
ST. JOHNS COUNTY FL

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
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