

4

ORDINANCE NUMBER: 2009 - 47

Public Records of
St. Johns County, FL
Clerk # 2009060146,
O.R. 3261 PG 1899-1902
11/24/2009 at 10:13 AM,
REC. \$17.00 SUR. \$18.50

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL HIGHWAY TOURIST (CHT) 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 July 21, 2009 in addition to supporting documents and statements from the applicant **which are a part of Zoning File REZ 2009-07 Burnette 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 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 as depicted on the 2015 Future Land Use Map.

Pa-Kit Y. King
11/24/09

SECTION 2. Pursuant to this application File Number REZ 2009-07 the zoning classification of the lands 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.

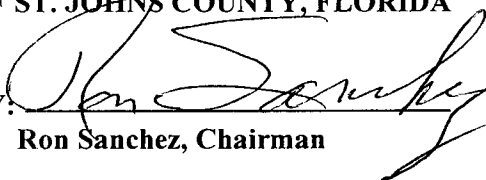
SECTION 4. This Ordinance shall take effect upon receipt by the Secretary of State.

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.

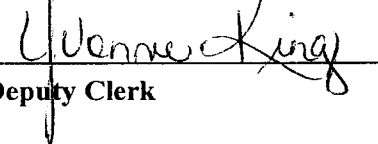
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 3rd DAY OF November 2009.

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

BY: 
Ron Sanchez, Chairman

RENDITION DATE 11/05/09

ATTEST: CHERYL STRICKLAND, CLERK

BY: 
Deputy Clerk

EFFECTIVE DATE: 11-09-09

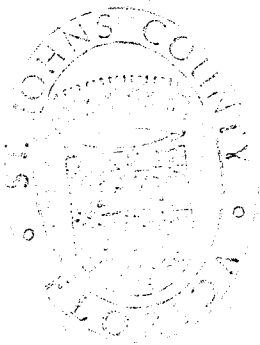


EXHIBIT A

WORK ORDER NO. 12-7281
STIX AND STONES
DECEMBER 28, 1987

A PARCEL OF LAND IN THE NORTH 1/2 OF SECTION 11, TOWNSHIP 5 SOUTH, RANGE 28 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE ORIGINAL 1/4 SECTION CORNER OF THE EAST LINE OF SAID SECTION 11; THENCE SOUTH 87° 45' 00" WEST ON THE 1/4 SECTION LINE, 1394.34 FEET TO THE SOUTHWESTERLY LINE OF OLD DIXIE HIGHWAY (A 50 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED); THENCE CONTINUE SOUTH 87° 45' 00" WEST ON SAID 1/4 SECTION LINE, 377.63 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 87° 45' 00" WEST ALONG SAID 1/4 SECTION LINE, 286.84 FEET TO THE EXISTING NORTHEAST RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1 (STATE ROAD NO. 5, SECTION 7802-110); THENCE NORTH 42° 10' 00" WEST ON SAID RIGHT-OF-WAY LINE, A DISANCE OF 199.12 FEET; THENCE NORTH 47° 50' 00" EAST, 220 FEET; THENCE SOUTH 42° 10' 00" EAST, 383.18 FEET TO THE POINT OF BEGINNING.

88 2833

Warranty Deed

(CORPORATE)

Documentary Tax Pd. \$ 247.50
Intangible Tax Pd.
Carl "Bud" Markel, Clerk St. Johns County, D.C.

THIS INDENTURE, Made this 28th day of January, A. D. 1988 BETWEEN

TERRANCE, INC.,

a corporation organized and existing under the laws of the State of Florida, of the County of Duval, State of Florida, party of the first part, and

DOUGLAS G. BURNETTE, reserving a life estate unto Samuel E. Burnette for and during his natural life,

whose mailing address is: 11060 Phillips Highway, Jacksonville, Florida 32224, of the County of Duval, State of Florida, party of the second part,

WITNESSETH: that the said party of the first part, for and in consideration of the sum of good and valuable consideration and the sum of ten and no/100ths Dollars, to it in hand paid by the said party of the second part, the receipt whereof is hereby acknowledged, has granted, bargained and sold to the said party of the second part, its heirs and assigns forever, the following described land, situate, lying and being in the County of St. Johns, State of Florida, to wit:

parcel of land in the North half of Section 11, Township 5 South, Range 28 East, St. Johns County, Florida, containing 1.47 acres more or less and being more fully described as follows: Commencing at the original quarter section corner of the East line of said Section 11; thence South 87 degrees 45 minutes 00 seconds West, on the quarter section line, 1,394.34 feet to the Southwesterly line of the 50 foot width right of way for Old Dixie Highway; thence continuing South 87 degrees 45 minutes 00 seconds West, on said quarter section line, 377.63 feet to the point of beginning at the Northeast corner of the herein described parcel of land; thence continuing South 87 degrees 45 minutes 00 seconds West, on said quarter section line, 286.84 feet to the existing Northeast right of way line for U.S. Highway No. 1 (State Road No. 5, Section 7802-110); thence North 42 degrees 10 minutes 00 seconds West, on said right of way line for U.S. Highway No. 1, a distance of 199.12 feet; thence North 47 degrees 50 minutes 00 seconds East 220.00 feet; thence South 42 degrees 10 minutes 00 seconds East, 383.18 feet to the point of beginning.

SUBJECT TO: Covenants, easements and restrictions of record, and all taxes subsequent to the year 1988.

It is the intent of this deed to create a life estate in Samuel E. Burnette with the vested remainder in and to Douglas G. Burnette in fee simple.

And the said party of the first part does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

In Witness Whereof, the said party of the first part has caused this instrument to be executed in its name by its President and caused its Corporate Seal attested by its Secretary to be hereto affixed the day and year first above written.

(CORPORATE SEAL)

TERRANCE, INC.

ATTEST

By: _____

By: *Raymond Robinson*
Raymond Robinson

Its Secretary

Its President

Signed and Sealed in Our Presence:

VERIFIED BY
[Signature]

FILED AND RECORDED IN
PUBLIC RECORDS OF
ST. JOHNS COUNTY, FLA.

STATE OF FLORIDA
COUNTY OF DUVAL

1988 FEB -4 PM 2:16

Before me personally appeared *Carl "Bud" Markel*
Clerk of Circuit Court

representing the President and Secretary of TERRANCE, INC., a corporation under the laws of the State of Florida, to me well known to be the individuals and officers described in and who executed the foregoing instrument and severally acknowledged the execution thereof to be their own free act and deed as such officers thereunto duly authorized; and that the official seal of said corporation is duly affixed thereto, and the said conveyance is the act and deed of said corporation.

WITNESS my hand and official seal this 28th day of January, 1988 at Jacksonville, County and State aforesaid.

This Instrument Prepared By:
J. QUINTON RUMPH
Rumph and Stoddard
3100 Building - Suite 101
3100 University Boulevard, South
Jacksonville, Florida 32216

Notary Public in and for the County and State Aforesaid.
My Commission Expires: 11-90

THESEY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS AFFECTED BY THE OFFICIAL SEAL OF THE COUNTY CLERK
WITNESSED AND OFFICIALLY RECORDED
THIS 17th day of November 2009
CHERYL S. RUSSELL, CLERK
Ex-Officio Clerk of St. Johns County, Florida
D.C.

SJC DEVELOPMENT REVIEW
ATTN: NANCY WALES
4040 LEWIS SPEEDWAY
SAINT AUGUSTINE FL 32084

Ref.#: L3626-9
P.O.#: BURNETTEREZO

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

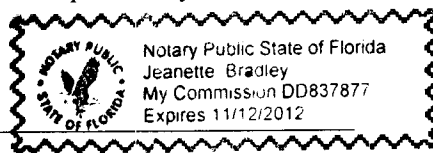
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared **ULINDA E. VERSTRAATE**
who on oath says that he/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 REZONING**
In the matter of **REZ 2009-07 - BURNETTE REZONING**
was published in said newspaper on **10/19/2009**

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 has 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/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 19th day of Oct 2009
by Ulinda E Verstraate who is personally known to me
or who has produced as identification

Jeanette Bradley
(Signature of Notary Public)



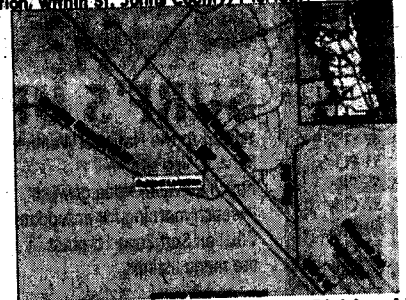
(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Tuesday, November 3, 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 COMMERCIAL HIGHWAY TOURIST (CHT) TO COMMERCIAL INTENSIVE (CI); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located on the east side of US1 North, just north of the CR210 & US1 Intersection, 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 6pm 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.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
CYNDI STEVENSON, CHAIR**

FILE NUMBER: **REZ 2009-07 Burnette Rezoning**
L3626-9 Oct 19, 2009



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

November 10, 2009

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

Attention: Ms. Yvonne King, Deputy Clerk

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated November 6, 2009 and certified copies of St. Johns County Ordinance Nos. 2009-46 through 2009-48, which were filed in this office on November 9, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

FILED
2009 NOV 13 AM 9:00
CLERK OF THE CIRCUIT COURT
ST. JOHNS COUNTY, FL

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://dliis.dos.state.fl.us>

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