

ORDINANCE NO. 2009 - 63

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL-B TO COMMUNITY COMMERCIAL (CC), FOR THE PROPERTY LOCATED AT 3705 LEWIS SPEEDWAY, CONTAINING APPROXIMATELY 2.20 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 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;

WHEREAS, Section 163.3184, 163.3187 and 163.3189 Florida Statutes provide the process for the adoption of Comprehensive Plan amendments;

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. The St. Johns County Comprehensive Plan is amended to change the Future Land Use Map designation from **Residential-B to Community Commercial (CC)** for the property located at 3705 Lewis Speedway, containing approximately 2.20 acres of land, as shown on **EXHIBITS A AND B**, based upon 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 the applicable sections of the St. Johns County Comprehensive Plan and the Land Development Code.

SECTION 2. The remaining portions of the St. Johns County Comprehensive Plan, Ordinance No. 2000-34, as amended 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.

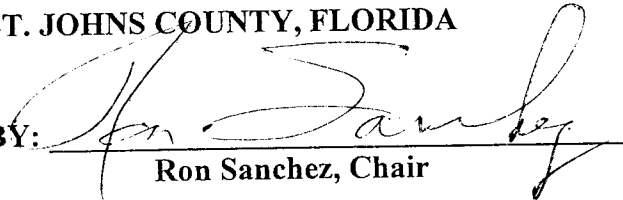
SECTION 3. Should any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining 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 is 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.

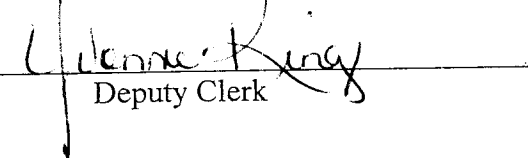
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 15th DAY OF December 2009.

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

BY: 
Ron Sanchez, Chair

Rendition Date: December 16, 2009

ATTEST: Cheryl Strickland, Clerk

BY: 
Deputy Clerk

Effective Date: February 22, 2010



EXHIBIT A

**From RESIDENTIAL-B
To COMMUNITY COMMERCIAL**

Tart Rd

RESIDENTIAL-B

Plantation Point Dr

Old Lewis Speedway

N Horseshoe Rd

RESIDENTIAL-C

Saddle Brook Ln

Lewis Speedway

EXHIBIT B

Legal Description Harwil Fixture Company Small Scale Comprehensive Plan Amendment

A PARCEL OF LAND IN SECTIONS 35 AND 99, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING ALL OF THAT PARCEL OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 217, PAGE 72, AND THE SOUTH PART OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 41 PAGE 460, PUBLIC RECORDS OF SAID COUNTY AND BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 9, OF SAID SECTION 35; THENCE SOUTHERLY ON THE WEST LINE OF SAID GOVERNMENT LOT 9, A DISTANCE OF 495 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES EAST, PARALLEL WITH THE NORTH LINE OF SAID GOVERNMENT LOT 9, A DISTANCE OF 1,000 FEET TO THE SOUTHWEST CORNER OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 41, PAGE 460; THENCE NORTH 00 DEGREES 39 MINUTES EAST, ON THE WEST LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 41, PAGE 460, A DISTANCE OF 25.87 FEET; THENCE NORTH 83 DEGREES 18 MINUTES EAST 205.74 FEET; THENCE SOUTH 8 DEGREES 39 MINUTES EAST, ON THE WEST RIGHT-OF-WAY LINE OF LEWIS SPEEDWAY, 33 FEET WEST FROM AND PARALLEL WITH THE CENTER LINE OF SAID LEWIS SPEEDWAY, A DISTANCE OF 253.13 FEET; THENCE NORTH 89 DEGREES 17 MINUTES WEST, ON THE SOUTH LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 217 PAGE 72, A DISTANCE OF 200 FEET; THENCE NORTH 8 DEGREES 39 MINUTES WEST, ON THE WEST LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 217 PAGE 72, A DISTANCE OF 200 FEET; THENCE NORTH 89 DEGREES 17 MINUTES WEST, ON THE SOUTH LINE OF SAID LAND DESCRIBED IN OFFICIAL RECORDS BOOK 41, PAGE 460, A DISTANCE OF 12.64 FEET TO THE POINT OF BEGINNING.

Together with:

A PARCEL OF LAND IN SECTION 99, TOWNSHIP 6 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, MORE FULLY DESCRIBED AS FOLLOWS: COMMENCING AT A POINT ON THE WEST LINE OF GOVERNMENT LOT 9, SECTION 35 OF SAID TOWNSHIP AND RANGE AT A POINT 495 FEET SOUTHERLY FROM THE NORTHWEST CORNER OF SAID GOVERNMENT LOT; THENCE SOUTH 00 DEGREES 39 MINUTES 00 SECONDS WEST ON SAID WEST LINE OF GOVERNMENT LOT 9, A DISTANCE OF 381.91 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES 00 SECONDS EAST, PARALLEL WITH THE NORTH LINE OF SAID GOVERNMENT LOT 9, A DISTANCE OF 1270.49 FEET TO THE POINT OF BEGINNING AT THE SOUTHEAST CORNER OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE NORTH 89 DEGREES 17 MINUTES 00 SECONDS WEST, 272.49; THENCE NORTH 00 DEGREES 43 MINUTES 00 SECONDS EAST, 184.56 FEET; THENCE SOUTH 89 DEGREES 17 MINUTES 00 SECONDS EAST, ON THE SOUTH LINE OF THAT LAND DESCRIBED IN OFFICIAL RECORDS BOOK 217, PAGE 72 PUBLIC RECORDS OF SAID COUNTY ON THE WESTERLY EXTENSION OF THAT LINE 246.71 FEET; THENCE SOUTH 08 DEGREES 39 MINUTES 00 SECONDS EAST ON THE WEST RIGHT OF WAY LINE OF LEWIS SPEEDWAY, SAID WEST RIGHT OF WAY LINE BEING 33 FEET WEST FROM AND PARALLEL WITH THE CENTERLINE OF LEWIS SPEEDWAY, 150.50 FEET; THENCE SOUTHERLY ON THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. 9-16A ON A CURVE CONCAVE EASTERLY WITH RADIUS OF 1154.33 FEET, SAID CURVE HAVING A CENTRAL ANGLE OF 01 DEGREES 47 MINUTES 30 SECONDS A CHORD BEARING OF SOUTH 01 DEGREES 16 MINUTES 50 SECONDS EAST AND AN ARC DISTANCE OF 36.10 FEET TO THE POINT OF BEGINNING.

THE ST. AUGUSTINE RECORD

RECEIVED

COPY OF ADVERTISEMENT

SJC GROWTH MANAGEMENT
4040 LEWIS SPEEDWAY
SAINT AUGUSTINE FL 32084

DEC - 1 2009

ST. JOHNS COUNTY
GROWTH MANAGEMENT

Ref.#: L4128-9
P.O.#: HARWLIFIXT

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

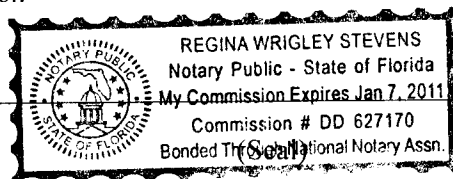
STATE OF FLORIDA,
COUNTY OF ST. JOHNS

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 HEARING**
In the matter of **CPA(SS) 2009-2 - HARWIL FIXTURES**
was published in said newspaper on **11/30/2009**

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 1st day of Dec 2009
by Ulinda E Verstraate who is personally known to me
or who has produced as identification

Regina Wrigley Stevens
(Signature of Notary Public)



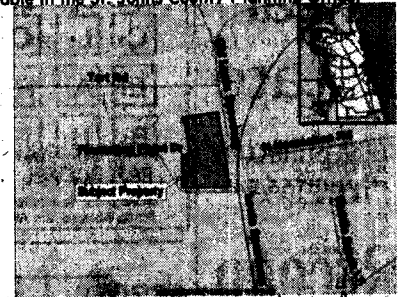
**NOTICE OF PUBLIC HEARING TO CONSIDER
ADOPTION OF A PROPOSED SMALL SCALE
COMPREHENSIVE PLAN AMENDMENT TO THE
FUTURE LAND USE MAP OF THE ST. JOHNS
COUNTY 2015 COMPREHENSIVE PLAN**

NOTICE IS HEREBY GIVEN that the Board of
County Commissioners on Tuesday, December 15,
2009 at 9:00 a.m., will hold a public hearing to con-
sider and issue a recommendation on the adoption
of a proposed small scale comprehensive plan
amendment to the St. Johns County Future Land
Use Map of the 2015 Comprehensive Plan with the
following styled ordinance:

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS,
STATE OF FLORIDA AMENDING THE 2015 COM-
PREHENSIVE PLAN, ORDINANCE NO. 2000-34,
AS AMENDED TO CHANGE THE FUTURE LAND
USE MAP DESIGNATION FROM RESIDENTIAL B
TO COMMUNITY COMMERCIAL, FOR THE
PROPERTY KNOWN AS HARWIL FIXTURES
LOCATED AT 3705 OLD LEWIS SPEEDWAY,
CONTAINING APPROXIMATELY 2.20 ACRES,
PROVIDING FOR FINDINGS OF FACT; FIND-
INGS OF CONSISTENCY; SEVERABILITY; AND
AN EFFECTIVE DATE.**

The proposed change is from Residential B to Com-
munity Commercial. Said hearings will be held in
the County Auditorium, County Administration
Building, 500 San Sebastian View, St. Augustine,
Florida. All interested parties may appear at the
public hearings to be heard regarding the proposed
amendment. Items not heard by 6 pm shall auto-
matically be continued until 9 am the following day,
unless otherwise directed by the Board.

The property that is the subject of the above noticed
public hearing includes 2.20 +/- acres and the
requested change affects property located 3705 Old
Lewis Speedway. A complete description is avail-
able in the St. Johns County Planning Office.



The proposed amendment is known as File Number
CPA (SS) 2009-02 Harwil Fixtures, and is available
for review at the local County Planning Office and
may be examined by interested parties prior to said
public hearings.

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

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 proceed-
ings 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
special accommodations or an interpreter to par-
ticipate in this proceeding should contact the
County's ADA Coordinator at (904) 209-0650 or at the
County Administration Building, 500 Sebastian View,
St. Augustine, Florida, 32084. Hearing impaired
persons, call Florida Relay Service (1 800 955 8770),
no later than 5 days prior to the meeting.

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
RON SANCHEZ, CHAIR**
File Number: CPA (SS) 2009-2 Harwil Fixtures
L4128-9 Nov 30, 2009



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

December 17, 2009

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

2009 DEC 22 AM 8:41
CLERK OF CIRCUIT COURT AND
ST. JOHNS COUNTY COMMISSION
ST. JOHNS COUNTY FL

FILED

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 December 16, 2009 and certified copies of St. Johns County Ordinance Nos. 2009-59 through 2009-66, which were filed in this office on December 17, 2009.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

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

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STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

RECEIVED

January 19, 2010

JAN 19 2010

Ms. Teresa Bishop, AICP
Director Long Range Planning
St. Johns County
4040 Lewis Speedway
St. Augustine, Florida 32084

ST. JOHNS COUNTY
GROWTH MANAGEMENT

RE: Acknowledgement Letter for St. Johns County Small Scale Amendment; Ordinance No. 2009-63, Harwil Fixture Company, Louis Cici, Inc.; DCA No. 09S06

Dear Ms. Bishop:

Thank you for submitting copies of the St. Johns County Small Scale Development Plan Amendment, adopted by Ordinance No. 2009-63 on December 15, 2009, for our records. The reference number for this amendment package is DCA No. 09S06.

The Department **will not** conduct a compliance review or issue a Notice of Intent regarding the adopted small scale development plan amendment in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes.

If you have any questions, please contact me for the DRI and Plan Processing Section at (850) 922-1767.

Sincerely,

D. Ray Eubanks
Plan Review and Processing Administrator

DRE\jm

cc: Ms. Suzanne Konchan, AICP, Director Growth Management, St. Johns County
Mr. Brian D. Teeple, Chief Executive Officer, Northeast Regional Planning Council
Mr. Ed Lehman, Director of Growth Management, Northeast Regional Planning Council