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ORDINANCE NUMBER: 2009 - 7

Public Records of
St. Johns County, FL
Clerk # 2009012861,
O.R. 3174 PG 541-545
03/17/2009 at 02:29 PM,
REC. \$21.00 SUR. \$23.00

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 NEIGHBORHOOD (CN) AND COMMERCIAL GENERAL (CG) 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 September 27, 2007, as revised, in addition to supporting documents and statements from the applicant **which are a part of Zoning File REZ 2007-31 Sebastian Cove Business Park** 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 Neighborhood (CN) and Commercial General (CG) 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 Neighborhood (CN) and Commercial General (CG) is consistent with the St. Johns County Land Development Code.

De+Ret. G. King
m+R

4. The zoning district designation of Commercial Neighborhood (CN) and Commercial General (CG) is consistent with the land uses allowed in the land use designation of Mixed Use (Md) as depicted on the 2015 Future Land Use Map.

SECTION 2. Pursuant to this application File Number REZ 2007-31 the zoning classification, as described in Lands contained under Exhibit A

is hereby changed to Commercial Neighborhood (CN) and Commercial General (CG)

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 Feb. 2009.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: Cyndi Stevenson
Cyndi Stevenson, Chairman

REVISION DATE 02/05/09

ATTEST: CHERYL STRICKLAND, CLERK

BY: Juanne King
Deputy Clerk

EFFECTIVE DATE: 02-06-09



Legal Descriptions for Amended REZ 2007-31
Parcel ID No. 088205-0010

The northerly 360 feet (from OR to CN)
The southerly 340 feet (from OR to CG)

**A PARCEL OF LAND IN GOVERNMENT LOTS 2 AND 3, SECTION 9, TOWNSHIP 7 SOUTH,
RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE FULLY DESCRIBED AS
FOLLOWS:**

**COMMENCING AT A POINT OF TANGENCY OF A CURVE ON THE NORTH LINE OF NOW
EXISTING 200 FOOT WIDTH RIGHT OF WAY FOR STATE ROAD NO. 16, AT A DISTANCE OF
908.04 FEET SOUTH 88 DEGREES 55 MINUTES 10 SECONDS WEST FROM THE INTERSECTION
OF SAID LINE WITH THE EAST LINE OF SAID GOVERNMENT LOT 3; THENCE NORTH 1
DEGREE 45 MINUTES WEST, PARALLEL WITH THE WEST LINE OF SAID GOVERNMENT LOT 3,
A DISTANCE OF 1134.02 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT 3; THENCE
SOUTH 88 DEGREES 00 MINUTES WEST, ON THE NORTH LINE OF SAID GOVERNMENT LOT 3,
A DISTANCE OF 299.84 FEET TO THE POINT OF BEGINNING AT THE NORTHEAST CORNER OF
THE HEREIN DESCRIBED PARCEL OF LAND; THENCE SOUTH 1 DEGREE 45 MINUTES EAST,
700 FEET; THENCE SOUTH 88 DEGREES 00 MINUTES WEST, 350 FEET; THENCE NORTH 1
DEGREE 45 MINUTES WEST, 700 FEET; THENCE NORTH 88 DEGREES 00 MINUTES EAST, ON
THE NORTH LINE OF SAID GOVERNMENT LOTS 2 AND 3, A DISTANCE OF 350 FEET TO THE
POINT OF BEGINNING.**

Legal Descriptions for Amended REZ 2007-31
Parcel ID No. 088205-0020 (from OR to CN)

A PARCEL OF LAND IN GOVERNMENT LOT 2, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 29 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE POINT OF TANGENCY OF A CURVE ON THE NORTHLINE OF THE NOW EXISTING 200 FOOT RIGHT OF WAY FOR STATE ROAD 16, AT A DISTANCE OF 908.04 FEET, SOUTH 88 DEGREES 55 MINUTES 10 SECONDS WEST FROM THE INTERSECTION OF SAID LINE WITH THE EAST LINE OF GOVERNMENT LOT 3 OF SAID SECTION 9; THENCE NORTH 1 DEGREE 45 MINUTES 00 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 1,134.02 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT 3; THENCE SOUTH 88 DEGREES 00 MINUTES 00 SECONDS WEST ON THE NORTH LINE OF SAID GOVERNMENT LOTS 3 AND 2, A DISTANCE OF 649.84 FEET; THENCE SOUTH 1 DEGREE 45 MINUTES 00 SECONDS EAST, A DISTANCE OF 60 FEET; THENCE SOUTH 88 DEGREES 00 MINUTES 00 SECONDS WEST, 15 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 88 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 30 FEET; THENCE SOUTH 1 DEGREE 45 MINUTES 00 SECONDS EAST, A DISTANCE OF 399.63 FEET TO A POINT ON A CURVE; THENCE AROUND THE ARC OF SAID CURVE HAVING A RADIUS, CHORD AND CHORD BEARING OF 50 FEET, 99.97 FEET AND SOUTH 3 DEGREES 04 MINUTES 42 SECONDS EAST, A DISTANCE OF 154.76 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 27.68 FEET; THENCE NORTH 1 DEGREE 45 MINUTES 00 SECONDS WEST, A DISTANCE OF 499.89 FEET TO THE POINT OF BEGINNING.

ALSO

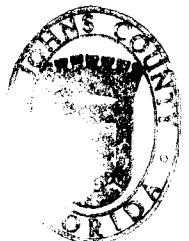
BEING A PORTION OF A PARCEL OF LAND IN GOVERNMENT LOT 2, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, SAID PARCEL BEING REFERENCED IN OFFICIAL RECORDS BOOK 1341, PAGE 395, OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS:
COMMENCE AT THE NORTHWEST CORNER OF SECTION 9, THENCE WITH THE NORTH LINE OF SAID SECTION 9, NORTH 89 DEGREES 09 MINUTES 00 SECONDS EAST, A DISTANCE OF 889.93 FEET TO THE NORTHWEST CORNER OF THE HEREINAFTER DESCRIBED TRACT AND BEING THE POINT OF BEGINNING; THENCE CONTINUING WITH THE NORTH LINE OF SECTION 9 AND GOVERNMENT LOT 2, NORTH 89 DEGREES 09 MINUTES 00 SECONDS EAST, A DISTANCE OF 348.69 FEET TO THE NORTHWEST CORNER OF A 5.620 ACRE TRACT CONVEYED TO FLOYD E. AND LINDA K. HUFF AS RECORDED IN OFFICIAL RECORDS BOOK 425, PAGE 636, OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE WITH THE WEST LINE OF SAID HUFF 5.620 ACRE TRACT, SOUTH 00 DEGREES 37 MINUTES 23 SECONDS EAST, A DISTANCE OF 60.00 FEET TO THE NORTHEAST CORNER OF A 45 FOOT WIDE PRIVATE ROADWAY AS RECORDED IN OFFICIAL RECORDS BOOK 812, PAGE 1921, OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE WITH THE NORTH LINE OF SAID 45 FOOT WIDE ROADWAY PARCEL AND THE NORTH LINE OF A 1.05 ACRE TRACT CONVEYED TO ALEXANDER E. DUBOWSKY, SONDR A H. DUBOWSKY AND GREG ALLEN DUBOWSKY, AS RECORDED IN OFFICIAL RECORDS BOOK 1881, PAGE 500 OF THE OFFICIAL RECORDS OF ST. JOHNS COUNTY, FLORIDA, SOUTH 89 DEGREES 09 MINUTES 00 SECONDS WEST, A DISTANCE OF 348.75 FEET TO THE NORTHWEST CORNER OF SAID DUBOWSKY 1.05 ACRE TRACT; THENCE WITH THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID DUBOWSKY 1.05 ACRE TRACT, NORTH 00 DEGREES 34 MINUTES 16 SECONDS WEST, A DISTANCE OF 60.00 FEET TO THE POINT OF BEGINNING. BEARING BASIS ESTABLISHED AS NORTH 89 DEGREES 09 MINUTES 00 SECONDS EAST ALONG THE NORTH LINE OF SECTION 9 TOWNSHIP 7 SOUTH, RANGE 29 EAST.

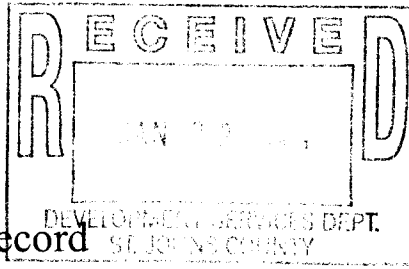
**Legal Descriptions for Amended REZ 2007-31
Parcel ID No. 088205-0070 (from OR to CN)**

A PARCEL OF LAND IN GOVERNMENT LOT 2, SECTION 9, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE POINT OF TANGENCY OF A CURVE ON THE NORTH LINE OF THE NOW EXISTING 200 FOOT RIGHT OF WAY FOR STATE ROAD NO. 16, AT A DISTANCE OF 908.04 FEET SOUTH 88 DEGREES 55 MINUTES 10 SECONDS WEST FROM THE INTERSECTION OF SAID LINE WITH THE EAST LINE OF GOVERNMENT LOT 3 OF SAID SECTION 9; THENCE NORTH 1 DEGREE 45 MINUTES 00 SECONDS WEST, PARALLEL WITH THE WEST LINE OF SAID GOVERNMENT LOT 3, A DISTANCE OF 1,134.02 FEET TO THE NORTH LINE OF SAID GOVERNMENT LOT 3; THENCE SOUTH 88 DEGREES 00 MINUTES 00 SECONDS WEST ON THE NORTH LINE OF SAID GOVERNMENT LOTS 3 AND 2, A DISTANCE OF 649.84 FEET; THENCE SOUTH 1 DEGREE 45 MINUTES 00 SECONDS EAST, A DISTANCE OF 60 FEET; THENCE SOUTH 88 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 45 FEET; THENCE SOUTH 1 DEGREE 45 MINUTES 00 SECONDS EAST, A DISTANCE OF 300.0 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 1 DEGREE 45 MINUTES 00 SECONDS EAST, A DISTANCE OF 99.93 FEET TO A POINT ON A CURVE; THENCE AROUND THE ARC OF SAID CURVE HAVING RADIUS, CHORD AND CHORD BEARING AT 50 FEET, 74.35 FEET AND SOUTH 40 DEGREES 13 MINUTES 04 SECONDS WEST, A DISTANCE OF 83.83 FEET; THENCE SOUTH 88 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 254.52 FEET; THENCE NORTH 1 DEGREE 42 MINUTES 32 SECONDS WEST, A DISTANCE OF 155.0 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 00 SECONDS EAST, A DISTANCE OF 304.13 FEET TO THE POINT OF BEGINNING.

I HEREBY CERTIFY THAT THIS DOCUMENT
IS A TRUE AND CORRECT COPY AS APPEARS
ON RECORD IN ST. JOHNS COUNTY, FLORIDA
WITNESS MY HAND AND OFFICIAL SEAL
THIS 10th DAY OF March 20 09
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County

BY: U. Wenneking





The St. Augustine Record

COPY OF ADVERTISEMENT

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 ROBIN JOYNER

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 REZ2007-31 SEBASTIAN COVE BUS PK

L157-9 was published in said newspaper JANUARY 19, 2009

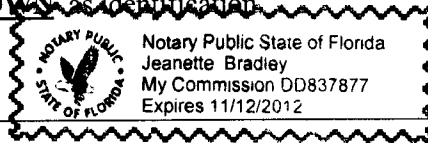
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 19th day of JAN 2009

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

Jeanette Bradley (Signature of Notary Public)

JEANETTE BRADLEY



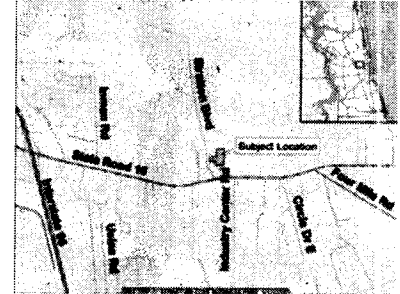
(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, February 3, 2009 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 consider whether to enact

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 NEIGHBORHOOD (CN) AND COMMERCIAL GENERAL (CG) MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located at 2740 Stratton Blvd., within St. Johns County, Florida.



Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

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. 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 #: REZ 2007-31 Sebastian Cove Business Park L157-9 Jan 19, 2009