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ORDINANCE NUMBER: 2009 - 8

Public Records of
St. Johns County, FL
Clerk # 2009012862,
O.R. 3174 PG 546-548
03/17/2009 at 02:29 PM,
REC. \$13.00 SUR. \$14.00

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 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 original application, dated September 26, 2008 in addition to supporting documents and statements from the applicant which are a part of Zoning File REZ 2008-19 Hilltop Commercial 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 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 General (CG) is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of Commercial General (CG) 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.

De + Let. Y. King
M.R.

SECTION 2. Pursuant to this application File Number REZ 2008-19 the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to 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 17th DAY OF February 2009.

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

BY: 

Ron Sanchez, Vice Chair

RENDITION DATE 02-18-09

ATTEST: CHERYL STRICKLAND, CLERK

BY: 

Deputy Clerk

EFFECTIVE DATE: 02-25-09

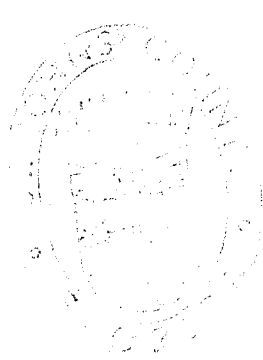


EXHIBIT A
Legal Description
Hilltop Commercial REZ

A PARCEL OF LAND SITUATED IN SECTION 35, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 35; THENCE NORTH 01 DEGREES 14 MINUTES 27 SECONDS EAST ALONG THE WEST LINE OF SAID SECTION 35 A DISTANCE OF 329.98; THENCE SOUTH 88 DEGREES 46 MINUTES 24 SECONDS EAST ALONG THE NORTH LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276 OF THE PUBLIC RECORDS OF SAID ST. JOHNS COUNTY, 334.24 FEET; THENCE SOUTH 48 DEGREES 32 MINUTES 05 SECONDS EAST ALONG THE NORTHEAST LINE OF SAID LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276 A DISTANCE OF 143.72 FEET TO THE POINT OF BEGINNING FOR THE HEREIN DESCRIBED PARCEL; THENCE NORTH 37 DEGREES 45 MINUTES EAST, 451.07 FEET; THENCE SOUTH 25 DEGREES 32 MINUTES 41 SECONDS EAST, 317.89 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 207 (145 FOOT RIGHT OF WAY); THENCE SOUTH 37 DEGREES 45 MINUTES WEST ALONG SAID NORTHWESTERLY RIGHT-OF-WAY LINE 326.68 FEET TO THE SAID NORTHEAST LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 971, PAGES 1275 AND 1276; THENCE NORTH 48 DEGREES 32 MINUTES 05 SECONDS WEST ALONG SAID NORTHEAST LINE 284.50 FEET TO THE POINT OF BEGINNING.

Less and except:

an easement for ingress, egress and utilities over and across the following described property:

A strip of land in the Southwest Quarter of the Northwest Quarter of Section 35, Township 7 South, Range 29 East, St. Johns County, Florida, more fully described as follows:

Commencing at the Southwest corner of said Southwest Quarter of the Northwest Quarter of Section 35; thence North 01 degree 59 minutes 10 seconds East, on the West line of said Section 35, a distance of 130.00 feet; thence South 88 degrees 45 minutes 15 seconds East, parallel with the South line of said Southwest Quarter of the Northwest Quarter of Section 35, a distance of 100.00 feet to the point of beginning; thence North 01 degree 14 minutes 45 seconds East, across the West end of the herein described strip of land, 60.00 feet; thence South 88 degrees 45 minutes 15 seconds East 251.97 feet; thence South 48 degrees 31 minutes 33 seconds East 291.65 feet; thence North 41 degrees 28 minutes 27 seconds East 20.00 feet; thence South 48 degrees 31 minutes 33 seconds East 198.70 feet; thence South 37 degrees 45 minutes 00 seconds West, on the Northwest right of way line of State Road No. 207, a 100 foot width right of way, 80.17 feet; thence North 48 degrees 31 minutes 33 seconds West 473.59 feet; thence North 88 degrees 45 minutes 15 seconds West 230.00 feet to the point of beginning.

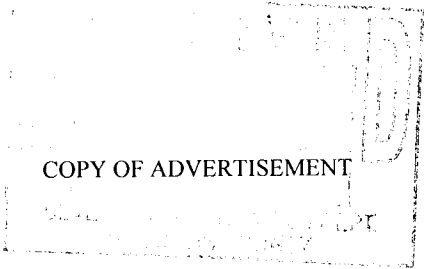
HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS ON RECORD IN ST. JOHNS COUNTY. WITNESS MY HAND AND OFFICIAL SEAL THIS 16th DAY OF March 20 09
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners

BY: Louanna 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 VERSTRAATE**

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 REZONING**

In/the matter of **REZ 2008-19 HILLTOP COMMERCIAL**

L293-9 was published in said newspaper **FEBRUARY 2, 2009**

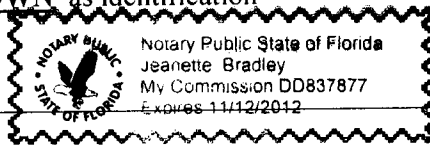
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 **2nd day of FEB 2009**

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

Jeanette Bradley

(Signature of Notary Public)
JEANETTE BRADLEY

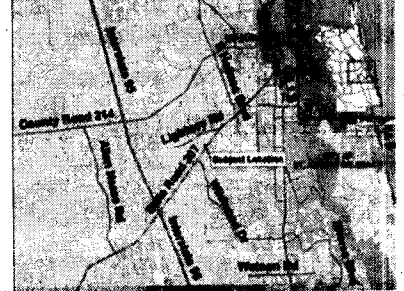


NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Tuesday, February 17, 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 OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located on SR 207, across from Hilltop Rd, within St. Johns County, Florida.



This file is maintained in the Planning Division of the Growth Management Services Department, at the Permit Center, 4940 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) 209-0456 or at the County Administration Building, 500 San Sebastian View, St. Augustine, Florida, 32085. For hearing impaired individuals, call Florida Relay Service at 1-800-935-8770, no later than 3 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 notice public hearings or to written communication out of St. Johns County Planning Division, 4940 Lewis Speedway, St. Augustine, Florida, 32085.

**BOARD OF COUNTY COMMISSIONERS,
ST. JOHNS COUNTY, FLORIDA
CYNDI STEVENSON, CHAIR
FILE NUMBER: REZ 2008-19 Hilltop Commercial
L293-9 Feb 2, 2009**



FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

KURT S. BROWNING
Secretary of State

February 25, 2009

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

FILED
09 MAR 24 AM 10:24
CLERK OF THE CIRCUIT COURT
ST. JOHNS COUNTY FL

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 February 24, 2009 and certified copies of St. Johns County Ordinance Nos. 2009-8 through 2009-10, which were filed in this office on February 25, 2009.

Sincerely,

Liz Cloud (handwritten signature)

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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