ORDINANCE NUMBER: 2010 - 25

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) WITH CONDITIONS; MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

Public Records of
St. Johns County, FL
Clerk # 2010040354,
O.R. 3345 PG 1069-1072
08/18/2010 at 12:45 PM,
REC. $17.00 SUR. $18.50

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 January 29, 2010 in addition to supporting documents and statements from the applicant **which are a part of Zoning File REZ 2010-01 Old Moultrie Rd Medical 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) WITH CONDITIONS** 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) WITH CONDITIONS** is consistent with the St. Johns County Land Development Code.

4. The zoning district designation of **Commercial General (CG) WITH CONDITIONS** is consistent with the land uses allowed in the land use designation of Mixed Use District as depicted on the 2015 Future Land Use Map.

5. The zoning district designation of **Commercial General (CG)** is appropriate for this property when

tempered with the following conditions:

(a) Prior to any application for permit for vertical construction, the owner shall pay for a warrant study for the Old Moultrie Rd/South Park Boulevard intersection; and
(b) Upon any application for Certificate of Occupancy for any vertical construction, if warranted, owner shall fund a signal at the Old Moultrie Rd/South Park Boulevard intersection and/or any other traffic improvements/enhancements required by the County, prior to issuance of such certificate.

SECTION 2. Pursuant to this application File Number **REZ 2010-01** the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to Commercial General (CG) with conditions.

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 Department by the Development Services Director or designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 20th **DAY OF** July **2010.**

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

BY: _____

Ron Sanchez, Chairman

Rendition Date: July 21, 2010

ATTEST: CHERYL STRICKLAND, CLERK

BY: Yvonne Kirby
Deputy Clerk

Effective Date: July 27, 2010

Exhibit A

Exhibit A

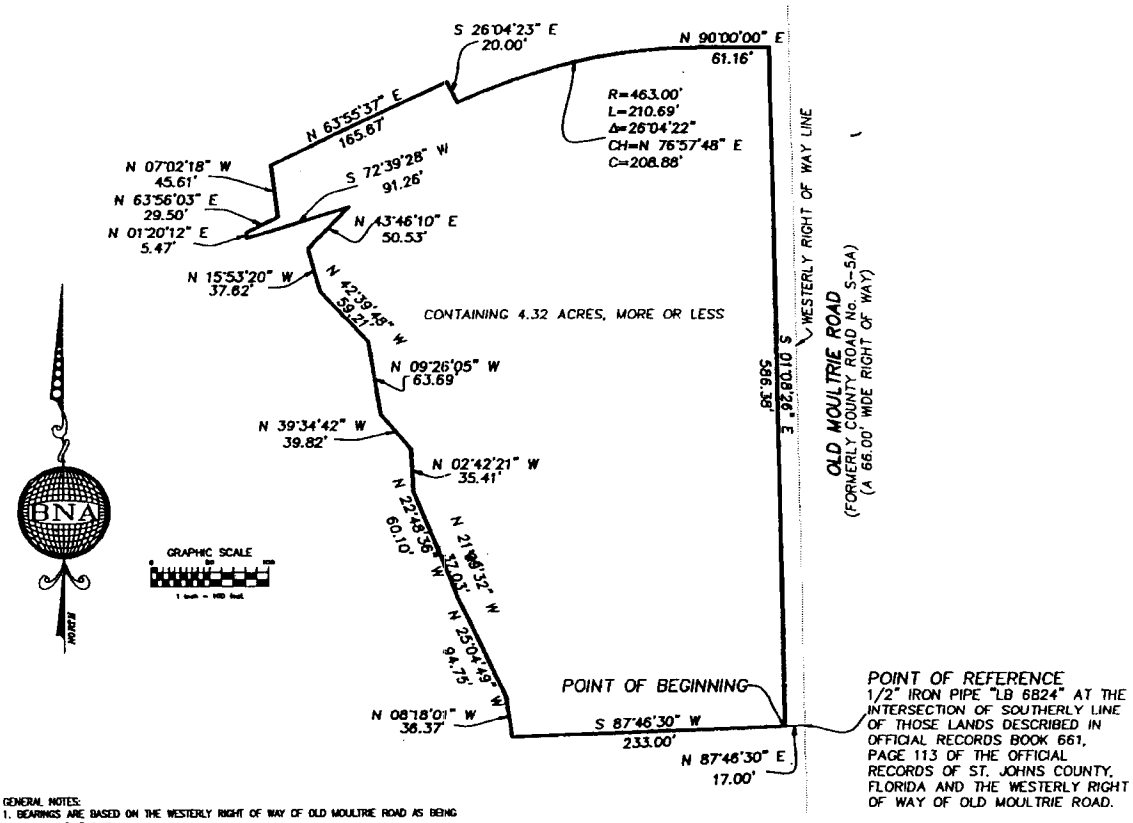
A PORTION OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 30 EAST,
ST. JOHNS COUNTY, FLORIDA.

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 661, PAGE 113 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS BEING IN SECTION 25, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT A 1/2" IRON PIPE "LB 6824" AT THE INTERSECTION OF THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 661, PAGE 113 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA AND THE WESTERLY RIGHT OF WAY LINE OF OLD MOULTRIE ROAD (A 66' RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH 87°46'30" WEST ALONG SAID SOUTHERLY LINE A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 87°46'30" WEST A DISTANCE OF 233.00 FEET; THENCE DEPARTING SAID SOUTHERLY LINE NORTH 08°18'01" WEST A DISTANCE OF 36.37 FEET; THENCE NORTH 25°04'49" WEST A DISTANCE OF 94.75 FEET; THENCE NORTH 21°09'32" WEST A DISTANCE OF 37.03 FEET; THENCE NORTH 22°48'36" WEST A DISTANCE OF 60.10 FEET; THENCE NORTH 02°42'21" WEST A DISTANCE OF 35.41 FEET; THENCE NORTH 39°34'42" WEST A DISTANCE OF 39.82 FEET; THENCE NORTH 09°26'05" WEST A DISTANCE OF 63.69 FEET; THENCE NORTH 42°39'48" WEST A DISTANCE OF 59.21 FEET; THENCE NORTH 15°53'20" WEST A DISTANCE OF 37.62 FEET; THENCE NORTH 43°46'10" EAST A DISTANCE OF 50.53 FEET; THENCE SOUTH 72°39'28" WEST A DISTANCE OF 91.26 FEET; THENCE NORTH 01°20'12" EAST A DISTANCE OF 5.47 FEET; THENCE NORTH 63°56'03" EAST A DISTANCE OF 29.50 FEET; THENCE NORTH 07°02'18" WEST A DISTANCE OF 45.61 FEET; THENCE NORTH 63°55'37" EAST A DISTANCE OF 165.67 FEET; THENCE SOUTH 26°04'23" EAST A DISTANCE OF 20.00 FEET TO A POINT ON A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS 463.00; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 210.69 FEET, THROUGH A CENTRAL ANGLE OF 26°04'22", SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE SOUTH 76°57'48" WEST, 208.88 FEET; THENCE NORTH 90°00'00" EAST A DISTANCE OF 61.16 FEET; THENCE SOUTH 01°08'26" EAST A DISTANCE OF 586.38 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 4.32 ACRES, MORE OR LESS.



GENERAL NOTES:
1. BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY OF OLD MOULTRIE ROAD AS BEING SOUTH 01°08'26" EAST.
2. THIS IS A SPECIFIC PURPOSE SURVEY OF A SKETCH AND LEGAL DESCRIPTION ONLY AND DOES NOT ADDRESS ANY UNDERGROUND UTILITIES OR ENVIRONMENTAL CONCERNS AS MAY BE DEEMED AS SUCH BY ANY GOVERNMENT AGENCY OR SPECIAL INTEREST GROUP. THIS IS NOT A BOUNDARY SURVEY.
3. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSIGNED AND BRADSHAW-NILES & ASSOCIATES, MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS; OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, OR SEARCH OF TITLE.

THIS SURVEY IS PREPARED FOR THE EXCLUSIVE USE OF THE CLIENT NAMED HEREON AND IS NOT VALID WITHOUT THE SIGNATURE AND RAISED SEAL OF A LICENSED FLORIDA SURVEYOR AND MAPPER.

I HEREBY CERTIFY that this survey graphically depicts the results of a field survey made under my responsible direction and complies with the latest Minimum Technical Standards for Surveys as set forth by the Florida State Board of Professional Surveyors and Mappers, Chapter 61g17-6, Florida Administrative Code; pursuant to Section 472.027, Florida Statutes.

XX, 2009
DATE OF SIGNATURE

ALBERT D. BRADSHAW, P.S.M., FLORIDA CERTIFICATION NO. 5257

BRADSHAW-NILES and ASSOCIATES, INC.
SURVEYING AND MAPPING CONSULTANTS
LICENSED BUSINESS # 6824
3520 LEWIS SPEEDWAY
ST. AUGUSTINE, FLORIDA 32084
(904) 829-2591 FAX: (904) 829-5070

DRAWN BY: JBG
CHECKED: ALBERT D. BRADSHAW
SCALE: 1" = 100'
PROJECT NUMBER
784-001
DRAWING No.: 784-001A(LEGALS)
SHEET No. 1 OF 1

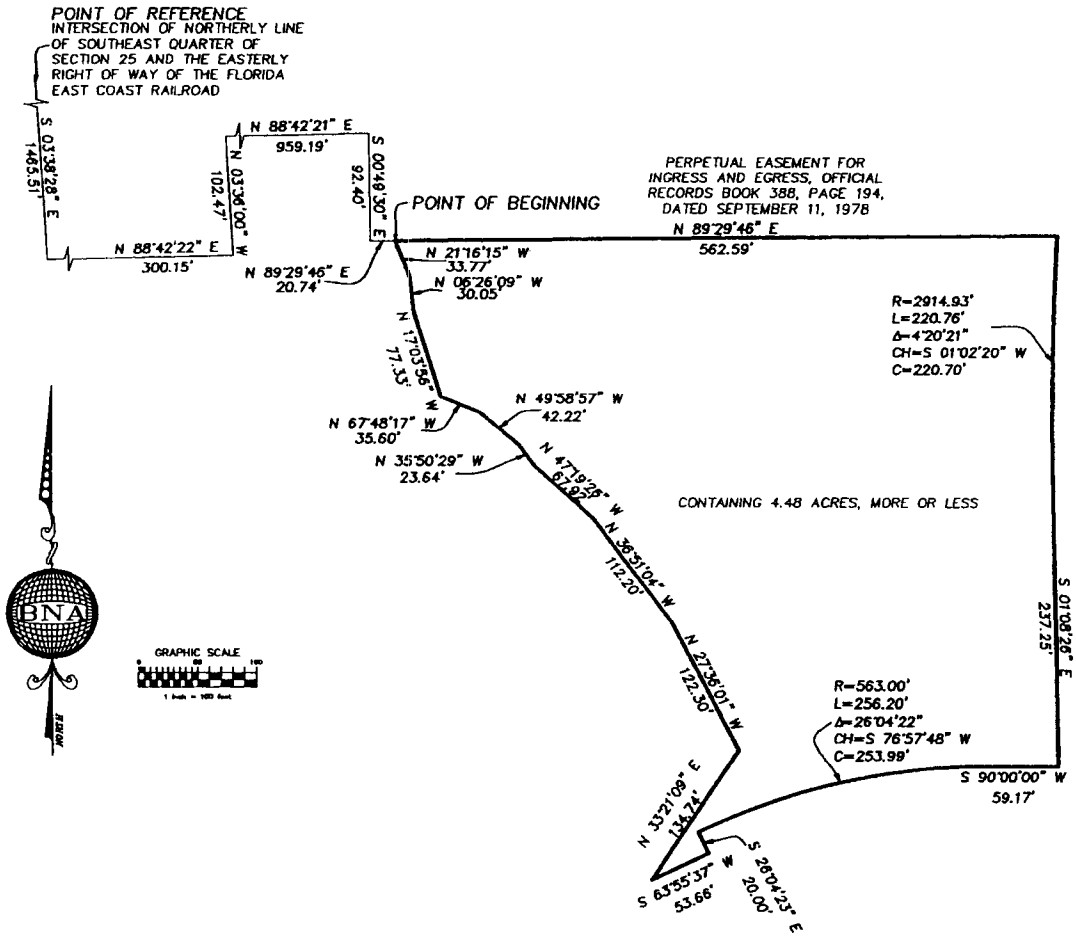
A PORTION OF SECTION 30, TOWNSHIP 7 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA.

LEGAL DESCRIPTION:

A PARCEL OF LAND BEING A PORTION OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 661, PAGE 113 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, SAID LANDS BEING IN SECTION 25, TOWNSHIP 7 SOUTH, RANGE 29 EAST, ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE INTERSECTION OF THE NORTHERLY LINE OF THE SOUTHEAST QUARTER OF SECTION 25, TOWNSHIP 7 SOUTH, RANGE 29 EAST AND THE EASTERLY RIGHT OF WAY LINE OF THE FLORIDA EAST COAST RAILROAD, SAID RIGHT OF WAY BEING 200 FEET AS NOW ESTABLISHED; THENCE SOUTH 03°38'28" EAST ALONG SAID EASTERLY RIGHT OF WAY LINE A DISTANCE OF 1465.51 FEET TO THE INTERSECTION OF THE SOUTHERLY LINE OF THOSE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1950, PAGE 754 OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA; THENCE NORTH 88°42'22" EAST DEPARTING SAID EASTERLY RIGHT OF WAY LINE ALONG SAID SOUTHERLY LINE A DISTANCE OF 300.15 FEET; THENCE NORTH 03°36'00" WEST A DISTANCE OF 102.47 FEET; THENCE NORTH 88°42'21" EAST A DISTANCE OF 959.19 FEET TO THE WESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 591, PAGE 594 OF THE OFFICIAL RECORDS OF SAID COUNTY; THENCE DEPARTING SAID SOUTHERLY LINE SOUTH 00°49'30" EAST ALONG SAID WESTERLY LINE A DISTANCE OF 92.40 FEET TO THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICAL RECORDS BOOK 388, PAGE 194 OF THE OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 89°29'46" EAST ALONG SAID SOUTHERLY LINE A DISTANCE OF 20.74 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 89°29'46" EAST A DISTANCE OF 562.59 FEET TO A POINT ON A CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 2914.93 FEET; THENCE DEPARTING SAID SOUTHERLY LINE SOUTHERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 220.76 FEET, THROUGH A CENTRAL ANGLE 4°20'21", SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 01°02'20" WEST, 220.70 FEET; THENCE SOUTH 01°08'26" EAST A DISTANCE OF 237.25 FEET; THENCE SOUTH 90°00'00" WEST A DISTANCE OF 59.17 FEET TO THE POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 563.00 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE AN ARC DISTANCE OF 256.20 FEET, THROUGH A CENTRAL ANGLE OF 26°04'22", SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE SOUTH 76°57'48" WEST, 253.99 FEET; THENCE SOUTH 26°04'23"EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 63°55'37" WEST A DISTANCE OF 53.66 FEET; THENCE NORTH 33°21'09" EAST A DISTANCE OF 134.74 FEET; THENCE NORTH 27°36'01" WEST A DISTANCE OF 122.30 FEET; THENCE NORTH 36°51'04" WEST A DISTANCE OF 112.20 FEET; THENCE NORTH 47°19'26" WEST A DISTANCE OF 67.92 FEET; THENCE NORTH 35°50'29" WEST A DISTANCE OF 23.64 FEET; THENCE NORTH 49°58'57" WEST A DISTANCE OF 42.22 FEET; THENCE NORTH 67°48'17" WEST A DISTANCE OF 35.60 FEET; THENCE NORTH 17°03'56" WEST A DISTANCE OF 77.33 FEET; THENCE NORTH 06°26'09" WEST A DISTANCE OF 30.05 FEET; THENCE NORTH 21°16'15" WEST A DISTANCE OF 33.77 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION.

CONTAINING 4.48 ACRES MORE OR LESS.



GENERAL NOTES:
1. BEARINGS ARE BASED ON THE WESTERLY RIGHT OF WAY OF OLD MOULTRIE ROAD AS BEING SOUTH 01°08'26" EAST.
2. THIS IS A SPECIFIC PURPOSE SURVEY OF A SKETCH AND LEGAL DESCRIPTION ONLY AND DOES NOT ADDRESS ANY UNDERGROUND UTILITIES OR ENVIRONMENTAL CONCERNS AS MAY BE DEEMED AS SUCH BY ANY GOVERNMENT AGENCY OR SPECIAL INTEREST GROUP. THIS IS NOT A BOUNDARY SURVEY.
3. THIS SKETCH WAS PREPARED WITHOUT THE BENEFIT OF ABSTRACT OR SEARCH OF TITLE, AND THEREFORE THE UNDERSIGNED AND BRADSHAW-NILES & ASSOCIATES, MAKE NO CERTIFICATIONS REGARDING INFORMATION SHOWN OR NOT SHOWN HEREON PERTAINING TO EASEMENTS, RIGHTS OF WAY, SETBACK LINES, OVERLAPS, BOUNDARY LINE DISPUTES, AGREEMENTS, RESERVATIONS OR OTHER SIMILAR MATTERS WHICH MAY APPEAR IN THE ABSTRACT, OR SEARCH OF TITLE.

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I HEREBY CERTIFY that this survey graphically depicts the results of a field survey made under my responsible direction and complies with the Florida Minimum Technical Standards for Surveys as set forth by the Florida State Board of Professional Surveyors and Mappers, Chapter 61G17-6, Florida Administrative Code, pursuant to Section 472.027, Florida Statutes.

DATE OF SIGNATURE: X, 2009

ALBERT D. BRADSHAW, P.S.M., FLORIDA CERTIFICATION NO. 4225

BRADSHAW-NILES and ASSOCIATES, INC.
SURVEYING AND MAPPING CONSULTANTS
LICENSED BUSINESS # 6824
3520 LEWIS SPEEDWAY
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(904) 829-2591 FAX: (904) 829-5070

DRAWN BY: JBG	
CHECKED: ALBERT D. BRADSHAW	
SCALE: 1" = 100'	
PROJECT NUMBER 784-001	
DRAWING No.: 784-001A(LEGALS)	
SHEET No. 1 OF 1	

I HEREBY CERTIFY THIS IS A TRUE AND CORRECT COPY ON FILE AND OF RECORD IN ST. JOHNS COUNTY, FLORIDA WITNESS MY HAND AND OFFICIAL SEAL THIS 17th DAY OF August 20 10
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners
BY: Lyleanne King D.C.

THE ST. AUGUSTINE RECORD

SJC DEVELOPMENT REVIEW
ATTN: RACHEL GARVEY
4040 LEWIS SPEEDWAY
SAINT AUGUSTINE FL 32084

Ref.#: L2522-10
P.O.#: OLDMOULTMED

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 **HEATHER SHUGART**

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 2010-01 - OLD MOULTRIE ROAD MEDICAL**

was published in said newspaper on **07/05/2010**

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 6th day of July 2010

by Heather Shugart who is personally known to me

or who has produced as identification

Janette Bradley

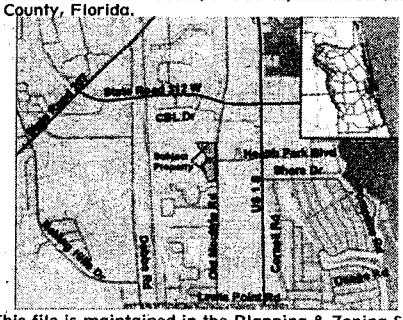
(Signature of Notary Public) (Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on **Tuesday, July 20, 2010 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 OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG); PROVIDING FINDINGS OF FACT; PROVIDING A SAVINGS CLAUSE; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE

The **subject property is located at 2001 Old Moultrie Road across from Southpark Blvd.**, within St. Johns County, Florida.



This file is maintained in the Planning & Zoning Section of the Growth Management 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 request.

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, 32084. 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 & Zoning Section, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
RON SANCHEZ, CHAIRMAN
FILE NUMBER: REZ 2010-01 OLD MOULTRIE ROAD MEDICAL
L2522-10 Jul 5, 2010

FLORIDA DEPARTMENT of STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

July 28, 2010

FILED
2010 AUG -2 PM 4:57
CLERK OF THE BOARD OF COUNTY COMMISSION
ST JOHNS COUNTY FL

Ms. Cheryl Strickland
Secretary
St. Johns County Board of County Commissioners
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Ms. Yvonne King, Deputy Clerk, Minutes and Record Division

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated July 26, 2010 and certified copy of St. Johns County Ordinance No. 2010-25, which was filed in this office on July 27, 2010.

Sincerely,

Liz Cloud

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**

COMMUNITY DEVELOPMENT
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