

ORDINANCE NO. 2010- 34

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE TEXT OF THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES, FUTURE LAND USE ELEMENT, TO ADD NEW POLICY A.1.11 (H) (8) (F), AS PERTAINING TO THE SITE-SPECIFIC LIMITATION ON DENSITY/INTENSITY FOR PROPERTY KNOWN AS NINE MILE GANG TRACT, LOCATED EAST OF INTERSTATE 95 AND NORTH OF INTERNATIONAL GOLF PARKWAY; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Chapters 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, Sections 163.3184, 163.3187, and 163.3189, Florida Statutes, provides 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 2015 Comprehensive Plan Ordinance is amended to change the text of the Comprehensive Plan Goals, Objectives and Policies, Future Land Use Element, to add a new site specific Policy A.1.11 (H) (8) (F), as pertaining to the limited number of dwelling units and intensity of development on property known as Nine Mile Gang Tract, located east of Interstate 95, north side of International Golf Parkway, as shown on **EXHIBIT A**; based on 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 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 St. Johns County Land Development Code.

SECTION 2. The remaining portions of the St. Johns County Comprehensive Plan, Ordinance No. 2000-34 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 portion shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions.

SECTION 4. The amendment to the St. Johns County Comprehensive Plan shall become effective on the date the State Land Planning Agency issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184(9), Florida Statutes, or in the alternative and if applicable on the date the Florida Administrative Commission issues a final order determining the adopted amendment to be in compliance in accordance with Section 163.3184(10), Florida Statutes.

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.

SECTION 6. This ordinance repeals and replaces Ordinance 2010-27, to ensure compliance with statutory notice.

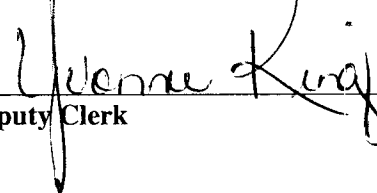
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 17th DAY OF August 2010.

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

BY: 
Ron Sanchez, Chair

Rendition Date: August 19, 2010

ATTEST: Cheryl Strickland, Clerk

BY: 
Deputy Clerk

Effective Date: October 29, 2010



EXHIBIT A

Policies

A.1.11 (H) (8) (F) The property known as the Nine Mile Gang Tract (COMPAMD 2009-01), a 580 +/- acre parcel is assigned a Mixed Use District Future Land Use designation by Ordinance No. 33. The Subject Property shall not be developed with only a single land use. Development of the Subject Property (i) shall be limited to not more than 300 multi-family dwelling units; (ii) will exceed the Open Space requirements of Policy A.1.9.3; and (iii) shall contain non-residential development at levels equal to or greater than provided for in Policy A.1.9.3; however, if the Subject Property is developed with more than one non-residential use, at least one of those uses shall meet or exceed the minimum requirement of Policy A.1.9.3. Altogether the residential and non-residential uses shall generate no more than 1,605 external PM peak hour trips. Further, the trip lengths and distribution shall not be materially adverse in comparison to those analyzed pursuant to COMPAMD 2009-01. The property is included in the Mill Creek Development Area Boundary. The density and intensity of development as set forth above shall be permitted consistent with the associated Development Agreement (DEVAGREE 2009-03) with the Nine Mile Gang Partnership dated July 20, 2010.

Additionally, conservation easements in favor of the St. Johns River Water Management District shall be established pursuant to Sec. 704.06, F.S. in order to preserve and maintain no fewer than one hundred-eighty (180) acres of wetlands along with adjacent uplands. The general location and extent of the conservation easements are generally depicted on the Conceptual Master Plan contained within Ordinance No. 33. The easements shall be placed in the Public Records of St. Johns County, Florida prior to construction plan approval for any development upon the Subject Property.

The Subject Property is adjacent to the Saint Johns Development of Regional Impact (Saint Johns DRI). There is no common ownership, nor common plan or scheme of development; however, in the event an opportunity to share infrastructure becomes available to the Applicant in the future, the Subject Property will undergo evaluation pursuant to a Notice of Proposed Change (NOPC) to the Saint Johns DRI. Nothing set forth herein shall limit the development of the Subject Property if, as a result of redistributing existing Saint Johns DRI development rights, there is no increase in previously-approved development rights or such NOPC is deemed by the County to not create no additional regional impacts.

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 **ULINDA 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 **DISPLAY AD**

In/the matter of **NOTICE OF HEARING –COMPAMD 2009-01 -**

NINE MILE GANG TRACT was published in said newspaper **AUGUST 2, 2010**

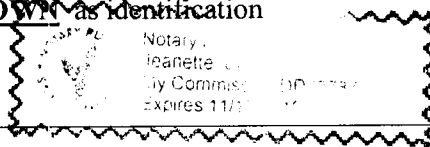
Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper heretofore been continuously published in said St. Johns County, Florida, each day and has been entered as second class mail matter at the post 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 17th day of **AUGUST, 2010**

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

Jeanette Bradley

(Signature of Notary Public)



(Seal)

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF PROPOSED AMENDMENTS TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2015 COMPREHENSIVE PLAN AS RELATED TO THE PROPOSED AMENDMENT FOR THE NINE MILE GANG TRACT

NOTICE IS HEREBY GIVEN that the Board of County Commissioners on **August 17, 2010 at 9:00 a.m.**, will hold a public hearing to consider adoption of proposed amendments to the St. Johns County Future Land Use Map of the 2015 Comprehensive Plan with the following styled ordinances:

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE 2015 FUTURE LAND USE MAP FROM RURAL SILVICULTURE (R/S) TO MIXED USE DISTRICT (MD) FOR LANDS TOTALING APPROXIMATELY 579.65 ACRES, FOR PROPERTY LOCATED EAST OF INTERSTATE 95 AND NORTH OF INTERNATIONAL GOLF PARKWAY; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE

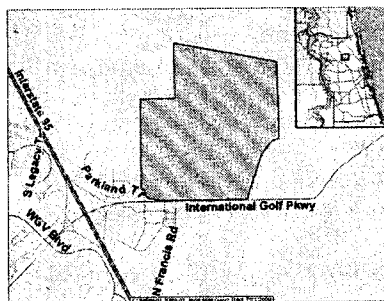
AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2015 COMPREHENSIVE PLAN, ORDINANCE NO. 2000-34, AS AMENDED, TO AMEND THE TEXT OF THE COMPREHENSIVE PLAN GOALS, OBJECTIVES AND POLICIES, FUTURE LAND USE ELEMENT, TO ADD NEW POLICY A.1.11 (H) (8) (F), AS PERTAINING TO THE SITE-SPECIFIC LIMITATION ON DENSITY/INTENSITY FOR PROPERTY KNOWN AS NINE MILE GANG TRACT, LOCATED EAST OF INTERSTATE 95 AND NORTH OF INTERNATIONAL GOLF PARKWAY; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY AND AN EFFECTIVE DATE.

AN ORDINANCE OF ST. JOHNS COUNTY ADOPTING AN AMENDMENT TO THE ST. JOHNS COUNTY FIVE-YEAR CAPITAL IMPROVEMENT SCHEDULE, 2009-2014 OF THE CAPITAL IMPROVEMENTS ELEMENT OF THE COMPREHENSIVE PLAN PURSUANT TO THE REQUIREMENTS OF THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT, CHAPTER 163, PART II AND CHAPTER 125, FLORIDA STATUTES, AMENDING THE FIVE-YEAR CAPITAL IMPROVEMENTS SCHEDULE TO ADD PUBLIC FACILITY IMPROVEMENTS; PROVIDING FOR FINDINGS OF FACT, FINDINGS OF CONSISTENCY, SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

The proposed change is from Rural Silviculture to Mixed Use District. 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 automatically 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 **579.65+/- acres** and the requested change affects property located east of Interstate 95 and north of International Golf Parkway. A complete description is available in the St. Johns County Planning Office. See map generally depicting the location, Exhibit A.

The proposed amendment is known as File Number **COMPAMD 2009-01**, 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 proceedings 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 participate 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: COMPAMD 2009-01 NINE MILE GANG TRACT



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

August 23, 2010

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 August 20, 2010 and certified copies of St. Johns County Ordinance Nos. 2010-31 through 2010-38, which were filed in this office on August 23, 2010.

Sincerely,

Liz Cloud
Program Administrator

LC/srd

FILED
2010 AUG 26 PM 3:14
CLERK OF COUNTY COMMISSION
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://dlis.dos.state.fl.us>

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STATE ARCHIVES OF FLORIDA
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RECORDS MANAGEMENT SERVICES
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