

ORDINANCE NO. 2010- 46

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38, AS AMENDED, TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL B TO COMMUNITY COMMERCIAL (CC) FOR THE PROPERTY LOCATED ON THE SOUTH SIDE OF STATE ROAD 16 IMMEDIATELY EAST OF CR 2209 RIGHT OF WAY CONTAINING APPROXIMATELY 9.9 ACRES; 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; and

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 2025 Comprehensive Plan is amended to change the Future Land Use Map designation from Residential B to Community Commercial (CC) for property located on the south side of State Road 16 immediately east of CR 2209 Right of Way, containing approximately 9.9 acres, as shown on **EXHIBITS A and B**, 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. 2010-38 and the 2025 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.** 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 2nd DAY OF November 2010.

BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Ron Sanchez  
Ron Sanchez, Chair

Rendition Date: November 2, 2010

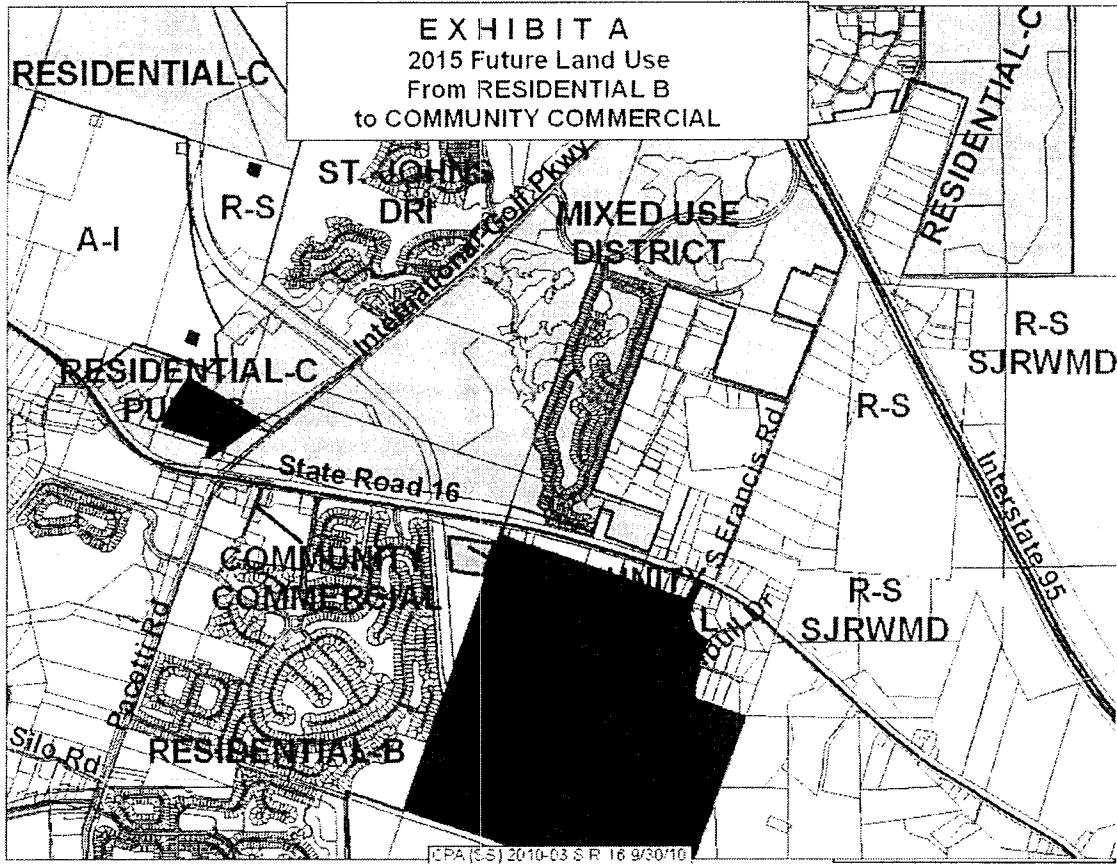
ATTEST: Cheryl Strickland, Clerk

BY: Wanne King  
Deputy Clerk

Effective Date: December 13, 2010



EXHIBIT A  
Amended Future Land Use Map



**EXHIBIT B**  
**Legal Description**

A portion of Subsection 10, lying within Section 38 of the Antonio Huertas Grant, Township 6 South, Range 28 East, St. Johns County, Florida, being more particularly described as follows: COMMENCING at the Northeastly corner of Murabella Unit Three as recorded in Map Book 57, Pages 94 through 109, inclusive, of the Public Records of said County, said point being situate on the Southerly right of way line of State Road No. 16 (a 200 foot right of way as shown on Florida Department of Transportation Right of Way Map, Section 78060-2522, dated November 16, 1998); thence South 81°10'44" East, along said Southerly right of way line, 359.69 feet; thence South 04°31'22" East, 342.10 feet for a POINT OF BEGINNING; thence South 81°10'44" East, 841.88 feet; thence South 18°36'15" West, parallel to and 35 feet Westerly of when measured at right angles to the Easterly line of said Subsection 10, a distance of 608.65 feet; thence North 81°10'44" West, 596.19 feet; thence North 04°31'22" West, parallel to and 75 feet Easterly of when measured at right angles to those certain lands recorded in Official Records Book 3044, Page 1943 (Exhibit A, Parcel 108), a distance of 616.44 feet to the POINT OF BEGINNING.

Containing 9.900 acres, more or less.

THE ST. AUGUSTINE RECORD

SJC GROWTH MANAGEMENT  
4040 LEWIS SPEEDWAY  
SAINT AUGUSTINE FL 32084

Ref.#: L3848-10  
P.O.#: SR16CC(SS)

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

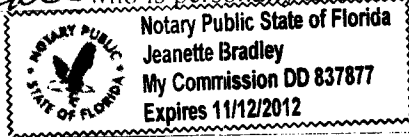
STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

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) 2010-03 - SR 16 COMMUNITY COMMERCIAL** was published in said newspaper on **10/18/2010**

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 18<sup>th</sup> day of Oct 2010 by Ulinda E. Verstraate who is personally known to me or who has produced as identification

*Jeanette Bradley*



(Signature of Notary Public)

(Seal)

COPY OF ADVERTISEMENT

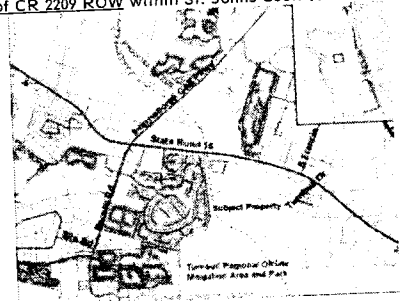
**NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2025 COMPREHENSIVE PLAN**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners on **Tuesday, November 2, 2010 at 9:00 a.m.**, will hold a public hearing to consider whether or not to adopt the proposed small scale comprehensive plan amendment to the St. Johns County Future Land Use Map of the 2025 Comprehensive Plan, with the following styled ordinance:

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, AMENDING THE 2025 COMPREHENSIVE PLAN, ORDINANCE NO. 2010-38, AS AMENDED TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FROM RESIDENTIAL B TO COMMUNITY COMMERCIAL (CC) FOR THE PROPERTY LOCATED ON THE SOUTH SIDE OF STATE ROAD 16 IMMEDIATELY EAST OF CR 2209 RIGHT OF WAY CONTAINING APPROXIMATELY 9.9 ACRES; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.**

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 any or all of the proposed amendment. Board of County Commissioner items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

The subject property includes **9.9 +/- acres** and is located on the **Southside of SR 16 immediately east of CR 2209 ROW** within St. Johns County, Florida.



A complete description is available in the St. Johns County Planning Office.

The proposed change is known as File Number **CPA(SS) 2010-03 SR16 Community Commercial Small Scale**, and is available for review 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 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: CPA (SS) 2010-03  
SR 16 COMMUNITY COMMERCIAL SMALL SCALE  
L3848-10 Oct 18, 2010



FLORIDA DEPARTMENT OF STATE

CHARLIE CRIST
Governor

STATE LIBRARY AND ARCHIVES OF FLORIDA

DAWN K. ROBERTS
Interim Secretary of State

November 2, 2010

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

2010 NOV 10 PM 3:58
FILED
CLERK OF THE COMMISSION
ST. JOHNS COUNTY FL

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 November 2, 2010 and certified copy of Ordinance No. 2010-46, which was filed in this office on November 2, 2010.

Sincerely,

Liz Cloud (ak)

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

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CHARLIE CRIST  
Governor

NOV 16 2010  
ST. JOHNS COUNTY  
GROWTH MANAGEMENT  
THOMAS A. BEAMAN  
Secretary

November 9, 2010

Ms. Teresa Bishop, AICP  
Director of Long Range Planning  
St. Johns County Growth Management Department  
4040 Lewis Speedway  
Saint Augustine, Florida 32084

Dear Ms. Bishop:

Thank you for submitting copies of the St. Johns County Small Scale Development Plan Amendment, adopted by Ordinance No. 2010-46 on November 2, 2010, for our records. The reference number for this amendment package is 10S04.

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 Terri Stoutamire at (850) 922-1804.

Sincerely,

D. Ray Eubanks  
Plan Review & Processing Administrator

DRE/ts

cc: Brian D. Teeple, Chief Executive Officer  
Northeast Florida RPC

effective on 12-13-2010

2555 SHUMARD OAK BOULEVARD ♦ TALLAHASSEE, FL 32399-2100

850-488-8466 (p) ♦ 850-921-0781 (f) ♦ Website: [www.dca.state.fl.us](http://www.dca.state.fl.us)

♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦  
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