

ORDINANCE NUMBER: 2011-13

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF INDUSTRIAL WAREHOUSE (IW) WITH CONDITIONS TO COMMERCIAL WAREHOUSE (CW) WITH CONDITIONS; 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 January 27, 2011 in addition to supporting documents and statements from the applicant **which are a part of Zoning File ADMR 2011-02 Elk 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 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 Warehouse (CW)** 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 2025 St. Johns County Comprehensive Plan.
3. The rezoning to **Commercial Warehouse (CW)** is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of **Commercial Warehouse (CW)** is consistent with the land uses allowed in the land use designation of Mixed Use District as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application File Number ADMR 2011-02 the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to Commercial Warehouse (CW) subject to the following conditions as offered by and agreed to by the applicant.

1. Site Plan Review

- a. Connection to central water and sewer shall be required when it is available within one quarter (1/4) mile of the subject property.
- b. Site plan approval shall be based upon compliance with all conditions herein as well as other applicable zoning and land development regulations and standards in effect at the time of site plan submission, which includes lighting and the size, height and location of all signage.
- c. A twenty (25) foot natural or landscaped buffer will be left along the rear (east) and front (US 1 side) of the property. A ten (10) foot setback on the south and north side shall be included for buildings.
- d. When construction occurs within one hundred (100) feet of the rear (east) side, a six (6) foot opaque visual barrier fences shall be construction along said rear (east) property lines.

2. Permitted Uses

- a. Permitted Uses shall be those defined as Light Industrial and High Intensity Commercial Uses within Article 2.02.01 of the St. Johns County Land Development Code as may be amended.
- b. The height of Buildings and Structures shall not exceed thirty-five (35) feet, except for telecommunications towers when approved in compliance with the St. Johns County Land Development Code in effect at the time of permitting.

3. Waste Disposal

- a. All trash and solid waste shall be removed on a timely basis and properly disposed of offsite.
- b. Solid waste pick up containers shall be placed on easily accessible concrete pads and shall be properly screen from public view.

4. Access and Egress

Access to the site shall be limited to one access/egress point on US 1, to be located and constructed in accordance with Florida Department of Transportation standards with acceleration and deceleration lanes as required, which shall be constructed at the owners expense.

5. Industrial Noise

No industrial activity that would constitute a nuisance of sound or odor, which would impede the quiet use and enjoyment of homeowners residing to the east, shall be allowed to occur on this property after the hours of 6:00pm.

6. Development Size

The total square footage of Buildings under roof shall not exceed one hundred thousand (100,000) square feet.

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 5th DAY OF April 2011.

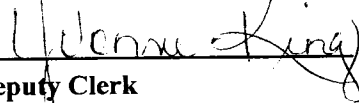
**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: 

J. Ken Bryan, Chairman

Rendition Date: April 8, 2011

ATTEST: CHERYL STRICKLAND, CLERK

BY: 
Deputy Clerk

Effective Date: April 11, 2011



EXHIBIT "A"

(Property)

Part of the Pablo Sabate Grant, Section 50, Township 6 South, Range 29 East, St. Johns County, Florida, more particularly described as follows:

Commence at the intersection of the northwesterly line of Stokes Landing Road and the northeasterly line of U.S. Highway No. 1, thence North 37°00' West, 1405.04 feet along the northeasterly line of said U.S. Highway No. 1 to the Point of Beginning; thence continue North 37°00' West 381.96 feet along the northeasterly line of said U.S. Highway No. 1; thence North 53°00' East, 571.00 feet; thence South 36°59'43" East 381.96 feet; thence South 53°00' West 571.00 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 6th DAY OF May 20 11
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners

BY: Lynne King D.C.



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

Ref.#: L464-11
P.O.#: ELKPARK

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 **BRI HALL**
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 **ADMR 2011-02 - ELK PARK**
was published in said newspaper on **02/16/2011**

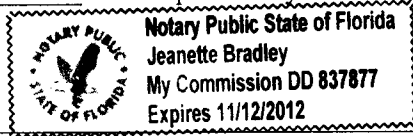
Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore has been continuously published in said St. Johns County, Florida,
each day and has been entered as second class mail matter at the post 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 16 day of Feb 2011

by Bri Hall who is personally known to me
or who has produced as identification

Jeanette Bradley

(Signature of Notary Public)



(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that public hearing will be held in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida on **Thursday, March 3, 2011 at 1:30 p.m.** by the St. Johns County Planning and Zoning Agency to issue a recommendation, and on **Tuesday, April 5, 2011 at 9:00 a.m.** by the Board of County Commissioners 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 INDUSTRIAL WAREHOUSE (IW) WITH CONDITIONS TO COMMERCIAL WAREHOUSE (CW); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located at **6988 US 1 North**, within St. Johns County, Florida.



This file and the proposed ordinance are maintained in the Planning Division of the Growth Management Department, at the Permit Center, 4040 Lewis Speedway, St. Augustine, Florida, and may be inspected by interested parties prior to said public hearing.

Interested parties may appear at the meeting and be heard with respect to the proposed ordinance.

If a person decides to appeal any decision made with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

This matter is subject to court imposed quasi-judicial rules of procedure. 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 SJC Planning Division, 4040 Lewis Speedway, St. Augustine, Florida, 32084.

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 (1 800 935 8770), no later than 5 days prior to the meeting.

**PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
BRAD NELSON, CHAIR**

**BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
J. KEN BRYAN, CHAIRMAN
FILE NUMBER: ADMR 2011-02 Elk Park
L464-11 Feb 16, 2011**



FLORIDA DEPARTMENT of STATE

RICK SCOTT
Governor

DIVISION OF LIBRARY AND INFORMATION SERVICES

KURT S. BROWNING
Secretary of State

April 12, 2011

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

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

Dear Ms. Strickland:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your letter dated April 8, 2011 and certified copies of Ordinance Nos. 2011-11 through 2011-13, which were filed in this office on April 11, 2011.

Sincerely,

Liz Cloud
Program Administrator

LC/vm

2011 APR 15 AM 9:45
RECORDS DIVISION

DIRECTOR'S OFFICE

R.A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
850.245.6600 • FAX: 850.245.6282 • TDD: 850.922.4085 • <http://info.florida.gov>

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