

ORDINANCE NUMBER: 2012-19

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 HIGHWAY TOURIST (CHT); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

Public Records of
St. Johns County, FL
Clerk # 2012048207,
O.R. 3603 PG 1303-1306
08/21/2012 at 08:48 AM,
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 May 3, 2012 in addition to supporting documents and statements from the applicant which are a part of Zoning File REZ 2012-03 Burger King, 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 Highway Tourist (CHT)** is consistent with the Comprehensive Plan, in that:
 - (a) The rezoning is compatible and complementary to conforming adjacent land uses. (Objective A.1.3.11)
 - (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 Highway Tourist (CHT)** is consistent with the St. Johns County Land Development Code.
4. The zoning district designation of **Commercial Highway Tourist (CHT)** 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 REZ 2012-03 the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to Commercial Highway Tourist (CHT).

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 Review Director or designee.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 7 DAY OF August 2012.

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

BY: Mark P. Miner

Mark P. Miner, Chairman

RENDITION DATE 08/09/12

ATTEST: **CHERYL STRICKLAND, CLERK**

BY: Wenne King
Deputy Clerk

EFFECTIVE DATE: 08/10/12



Exhibit A

DESCRIPTION (by Surveyor)

A parcel of land situated in Southwest Quarter of Section 3, Township 8 South, Range 29 East, St. Johns County, Florida and being more particularly bounded and described as follows:

Commence at the Southwest Corner of said Section 3; thence South 89°10'48" East, a distance of 56.98 feet to the POINT OF BEGINNING for the herein described Parcel; thence North 01°35'58" East, along the east line of an Ingress/Egress easement described in Official Records Book 896, page 1433 of the Public Records of said County, a distance of 435.71 feet; thence South 52°25'14" East, a distance of 299.00 feet to the Northerly Right of Way Line of State Road No.207, as it currently exists; thence South 37°39'39" West, along said Northerly Right of Way Line of State Road No.207, a distance of 112.77 feet; thence North 52°20'21" West, along said Northerly Right of Way Line, a distance of 20.00 feet; thence South 37°39'39" West, along said Northerly Right of Way Line, a distance of 223.01 feet; thence North 89°10'48" West, a distance of 28.13 feet to the POINT OF BEGINNING.

The aforescribed Parcel contains 110,762.41 square feet or 1.27 acres, more or less

DESCRIPTION (by Surveyor)

A parcel of land situated in Southwest Quarter of Section 3, Township 8 South, Range 29 East, St. Johns County, Florida and being more particularly bounded and described as follows:

Commence at the Southwest Corner of said Section 3; thence South 89°10'48" East, a distance of 85.11 feet to the Northerly Right of Way Line of State Road No.207, as it currently exists; thence North 37°39'39" East, along said Northerly Right of Way Line of State Road No.207, a distance of 223.01 feet; thence South 52°20'21" East, along said Northerly Right of Way Line, a distance of 20.00 feet; thence North 37°39'39" East, along said Northerly Right of Way Line, a distance of 112.77 feet to the POINT OF BEGINNING for the herein described parcel; thence North 52°25'14" West, a distance of 299.00 feet to the East Line of an Ingress/Egress Easement as recorded in Official Records Book 896, page 1433 of the Public Records of said County; thence North 01°35'58" East, along said East Line, a distance of 192.91 feet to the Southwest Corner of those lands described in Official Records Book 2600, page 724 of said Public Records; thence South 52°25'14" East, along the southerly lines of those lands described in Official Records Book 2600, page 724 and Official Records Book 2237, page 1844, both of said Public Records, a distance of 412.56 feet to said Northerly Right of Way Line of State Road No.207; thence South 37°39'39" West, along said Northerly Right of Way Line, a distance of 156.11 feet to the POINT OF BEGINNING.

The aforescribed parcel contains 1.28 acres more or less.

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 20th DAY OF August 2012
CHERYL STRICKLAND, CLERK
Ex-Officio Clerk of the Board of County Commissioners

BY L. Venne King D.C.



THE ST. AUGUSTINE RECORD

MARJORIE O'LOUGHLIN
1925 SR 207
SAINT AUGUSTINE FL 32086

Ref.#: L1810-12
P.O.#: BURGERKING

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 **STEVEN SMITH**
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 2012-03 - BURGER KING**
was published in said newspaper on **07/04/2012**

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 15th day of July 2012
by Steven Smith who is personally known to me
or who has produced as identification

Sabina L Woods
(Signature of Notary Public)

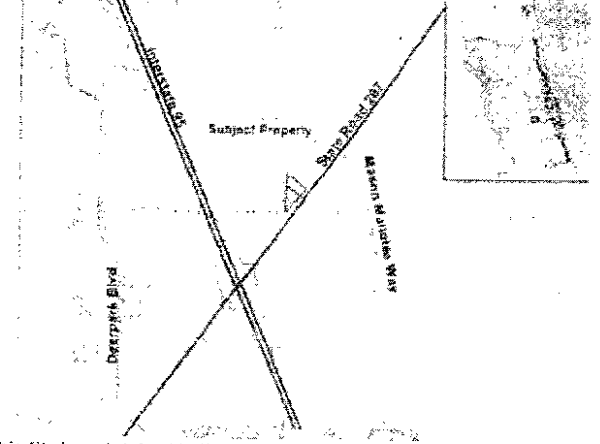
(Seal)  **SABINA L WOODS**
MY COMMISSION # EEO23372
EXPIRES September 06, 2014
FloridaNotaryService.com

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on Thursday, July 19, 2012 at 1:30 p.m. by the St. Johns County Planning and Zoning Agency, and Tuesday, August 7, 2012 at 9:00 am by the Board of County Commissioners in the County Auditorium, County Administration Building, 500 San Sebastian View, St. Augustine, Florida, to consider a request to rezone from Open Rural (OR) to Commercial Highway Tourist (CHT) to allow for commercial business.

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 HIGHWAY TOURIST (CHT); MAKING FINDINGS OF FACT; REQUIRING RECORDATION, AND PROVIDING AN EFFECTIVE DATE.

The subject property is located at 2401 State Road 207, 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.

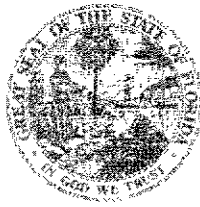
Interested parties may appear at the meeting and be heard with respect to the proposed request.

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 or she 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.
PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
BRAD NELSON, CHAIR
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
MARK P. MINER, CHAIR

FILE NUMBER: REZ 2012-03 Burger King
L1810-12 Jul 4, 2012



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 10, 2012

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

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 August 9, 2012 and certified copy of Ordinance No. 2012-19, which was filed in this office on August 10, 2012.

Sincerely,

Liz Cloud
Program Administrator

LC/elr

2012 AUG 15 PM 3:23
RECEIVED
SECRETARY OF STATE
TALLAHASSEE, FLORIDA