

ORDINANCE NO. 2014 - 26

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 C TO MIXED USE DISTRICT ON 3.85 ACRES OF LAND LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 1 AND BRAINARD DRIVE; 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, Section 163.3184 and 163.3187 Florida Statutes provide the process for the adoption of Comprehensive Plan amendments; and,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

SECTION 1. The St. Johns County Comprehensive Plan is amended to change the Future Land Map designation from **Residential – C to Mixed Use District** on 3.85 acres of land located on the east side of U.S. Highway 1 and Brainard Drive as described and shown on the attached **EXHIBIT A and B.**

SECTION 2. The 2025 Comprehensive Plan amendment described in Section 1 are based upon 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 the Northeast Florida Strategic Regional Policy Plan.
- (c) The amendment is consistent with the applicable sections of the St. Johns County Comprehensive Plan and the Land Development Code.

SECTION 3. The remaining portions of the St. Johns County Comprehensive Plan, Ordinance No. 2010-38, as amended 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 4. Should any section, subsection, sentence, clause, phrase or portion of this ordinance be held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and shall not affect the validity of the remaining portions.

SECTION 5. These amendments to the St. Johns County Comprehensive Plan shall be effective 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely, challenged, within 30 days after adoption, the amendment does not become effective until the state land planning agency or Administration Commission enters a final order determining the adopted amendment to be in compliance.

SECTION 6. 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 20 DAY OF May 2014.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: [Signature]
John H. Morris, Chairman

RENDITION DATE 05/22/14

ATTEST: Cheryl Strickland, Clerk

BY: [Signature]
Deputy Clerk

Effective Date: 06/30/14

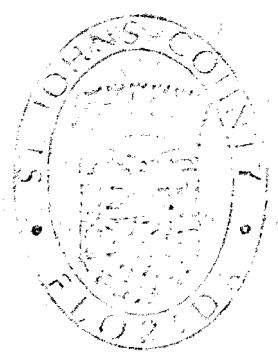


EXHIBIT A

2025 Future Land Use
From RESIDENTIAL C
to MIXED USE DISTRICT

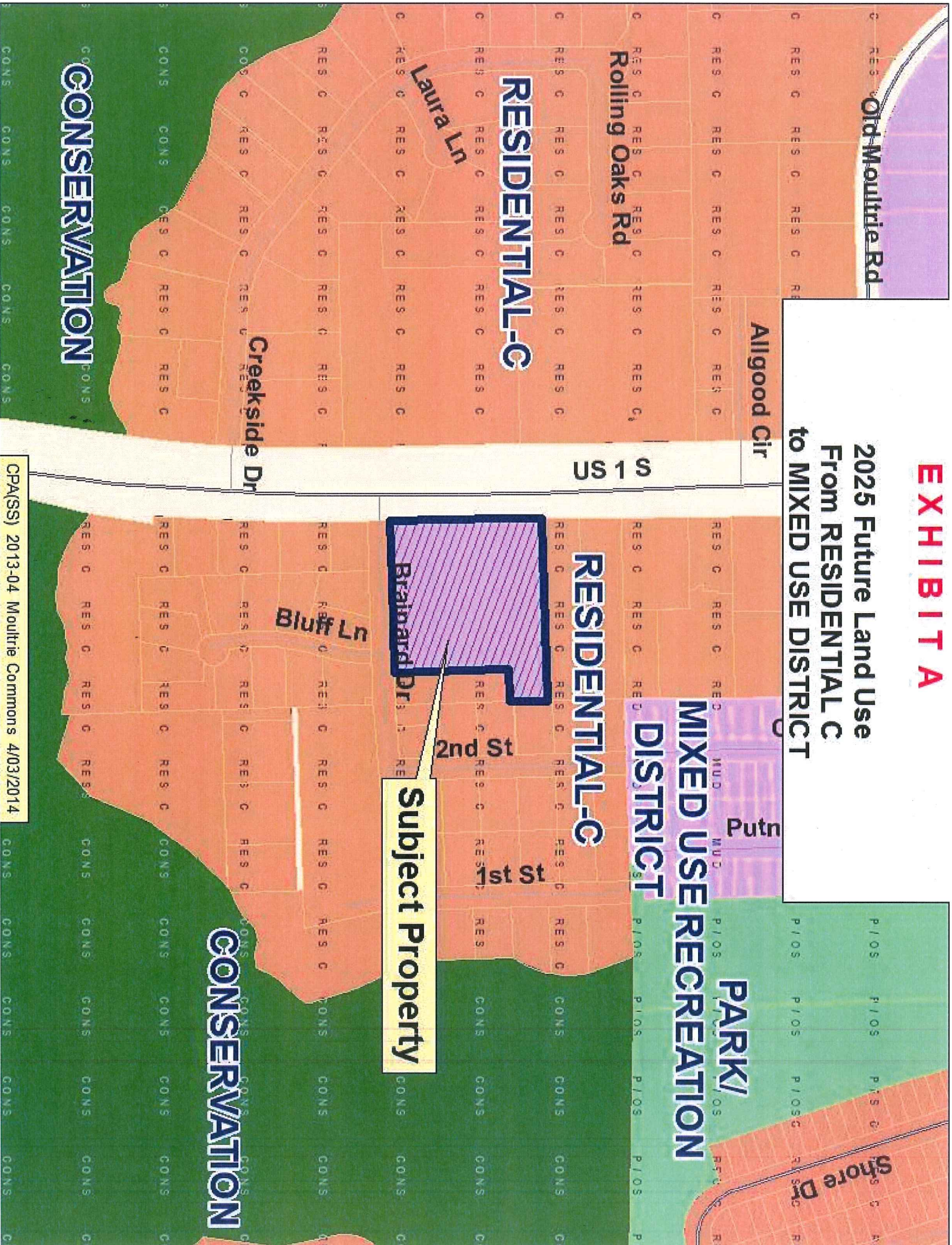


EXHIBIT B
Legal Description
Moultrie Commons
Small Scale Comprehensive Plan Amendment

COMMENCING AT THE NORTHWEST CORNER OF LAND CONVEYED BY NANCY BRAINARD TO ADELIA L. PECK OR MARCUS E. PECK, AS PER DEED RECORDED IN DEED BOOK EE, PAGE 464, ST. JOHNS COUNTY RECORDS, RUN THENCE NORTHERLY ALONG THE WEST LINE OF LOT 2, OF SECTION 7, TOWNSHIP 8 SOUTH, RANGE 30 EAST, 360 FEET TO A POINT OF BEGINNING; RUN THENCE EASTERLY ALONG A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 2, 594 FEET; RUN THENCE NORTHERLY ALONG A LINE (PARALLEL WITH THE WEST LINE OF SAID LOT 2) 100 FEET; RUN THENCE WESTERLY ALONG A LINE (PARALLEL WITH THE NORTH LINE OF SAID LOT 2) 594 FEET TO THE WEST LINE OF SAID LOT 2; RUN THENCE SOUTHERLY ALONG THE WEST LINE OF SAID LOT 2 TO THE POINT OF BEGINNING. LESS ANY PORTION THEREOF WHICH MAY HAVE BEEN TAKEN FOR THE WIDENING OF U.S. HIGHWAY #1.

AND

Part of Government Lot 2, Section 7, Township 8 South, Range 30 East, St. Johns County, Florida, more fully described as follows: Commencing at the Northeast corner of land conveyed to Adelia L. Peck, as described in Deed Book "EE", page 464, public records of said County, thence West, on the North line of property now or formerly of Peck and the South line of a county road known as Brainard Drive as described in Official Records Book 78, page 702, public records of said County, 480 feet more or less to the East line of the right of way for U.S. Highway No. 1 (State Road No. 5); thence North 00°12' East, on said right of way line, 60 feet to the North line of said Brainard Drive and the Point of Beginning at the Southwest corner of the herein described parcel of land; thence continuing North 00°12' East, on said right of way line, 150 feet; thence due East 160 feet; thence South 00°12' West 150 feet to said North line of Brainard Drive; thence due West, on said North line of Brainard Drive, 160 feet to the Point of Beginning.

(EXCEPTIONS)

1. Terms and conditions of that certain Lease Agreement between Meadows Incorporated, as Lessor, and Lil' Champ Food Stores, Inc., as Lessee, evidenced by Memorandum of Lease dated November 24, 1982 and recorded in Official Records Book 363, page 552, of the public records of St. Johns County, Florida.
2. Rights of tenants occupying all or part of the insured land under unrecorded leases or rental agreements.

THE ST. AUGUSTINE RECORD

KAREN M TAYLOR
ATTN LAND PLANNER
77 SARAGOSSA ST
SAINT AUGUSTINE FL 32084

Ref#: L976-14
P.O.#: MOULTRIE COM

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 **MEGAN BECKER** 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) 2013-04 - MOULTRIE COMMONS HGS** was published in said newspaper on **04/02/2014**

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 02 day of April 2014
by Megan Becker who is personally known to me
or who has produced as identification

[Signature of Notary Public]



(Signature of Notary Public)

(Seal)

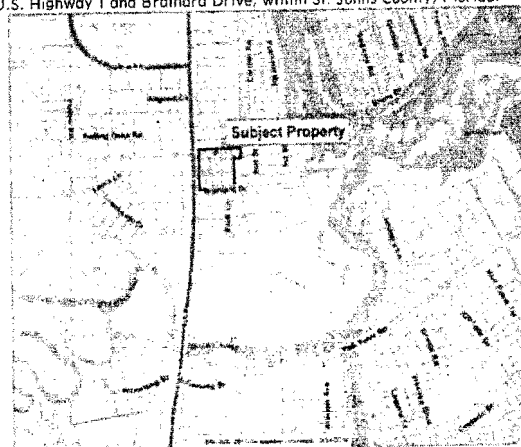
NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2025 COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the Planning and Zoning Agency on Thursday, April 17, 2014 at 1:30 p.m. and the St. Johns County Board of County Commissioners on Tuesday, May 20, 2014 at 9:00 a.m., will each hold public hearings, as follows: The Planning and Zoning Agency to consider and issue a recommendation on the adoption of a proposed comprehensive plan amendment to the St. Johns County Future Land Use Map of the 2025 Comprehensive Plan and the Board of County Commissioners will consider whether or not to adopt the same proposed 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 C TO MIXED USE DISTRICT ON 3.85 ACRES OF LAND LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 1 AND BRAINARD DRIVE; 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 3.85 +/- acres and is located on the east side of U.S. Highway 1 and Brainard Drive, 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) 2013-04 Moultrie Commons, 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 public hearings to be heard regarding 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.
PLANNING AND ZONING AGENCY BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA ST. JOHNS COUNTY, FLORIDA
DICK WILLIAMS, CHAIR JOHN H. MORRIS, CHAIR
File Number: CPA (SS) 2013-04 Moultrie Commons
L976-14 Apr 2, 2014



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

May 23, 2014

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 electronic copy of Ordinance No. 2014-26, which was filed in this office on May 23, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh

2014 MAY 23 AM 11:59
RECEIVED
SECRETARY OF STATE