

ORDINANCE NUMBER: 2015 - 39

Public Records of St. Johns County, FL
Clerk number: 2015038435
BK: 4046 PG: 333
6/23/2015 9:53 AM
Recording \$27.00

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL, SINGLE FAMILY (RS-3) TO COMMERCIAL GENERAL (CG); 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 February 26, 2015 in addition to supporting documents and statements from the applicant which are a part of Zoning File REZ 2015-05 Moultrie Montessori School (253 State Road 16) - Additional Lands Rezoning, 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 General (CG)** 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 General (CG)** is consistent with the St. Johns County Land Development Code.

4. The zone district of **Commercial General (CG)** is consistent with the land uses allowed in the land use designation of Residential - C as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application File Number REZ 2015-05 the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to Commercial General (CG).

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. Notwithstanding any provision of this ordinance, no portion of any use restriction, title conditions, restriction or covenant 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.

PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, THIS 16 DAY OF June 2015.

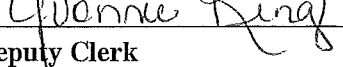
**BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA**

BY: 

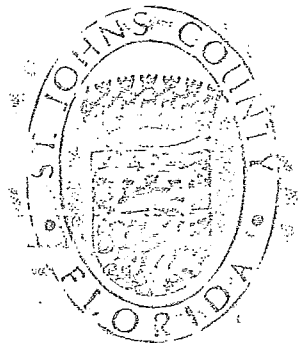
Priscilla L. Bennett, Chair

REVISION DATE June 17, 2015

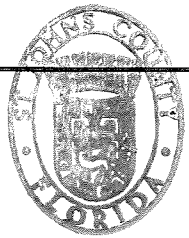
ATTEST: **CHERYL STRICKLAND, CLERK**

BY: 
Deputy Clerk

EFFECTIVE DATE: June 19, 2015



HEREBY CERTIFY THAT THIS DOCUMENT IS A TRUE AND CORRECT COPY AS APPEARS OF RECORD IN ST. JOHNS COUNTY, FLORIDA



WITNESS MY HAND AND OFFICIAL SEAL

LEGAL DESCRIPTION

June 20 15

BERTIE STRICKLAND, CLERK

Official Clerk of the Board of County Commissioners

PARCEL 2:

BY: Juanne King D.C.

LOT(S) 6, 7, 8, 25, 26 AND LOT 27 (EXCEPT THE WEST 22 FEET OF LOT 27), BLOCK 10, SANTA ROSA, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE(S) 146, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

LESS AND EXCEPT THE SOUTH 25 FEET OF LOT(S) 25, 26 AND LOT 27 (EXCEPT THE WEST 22 FEET OF LOT 27), BLOCK 10, SANTA ROSA, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 3, PAGE(S) 146, OF THE PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 25, BLOCK 10, SANTA ROSA, THENCE ALONG THE EAST LINE OF SAID LOT 25 SOUTH 14°43'57" WEST, A DISTANCE OF 76.17 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG THE EAST LINE OF SAID LOT 25, SOUTH 14°43'57" WEST, A DISTANCE OF 25.01 FEET TO A POINT IN THE NORTHERLY RIGHT-OF-WAY OF CANTIO AVENUE, SAID POINT IN A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 1470.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 158.40 FEET SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF NORTH 76°52'32" EAST AND A CHORD DISTANCE OF 158.32 FEET; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY OF CANTIO AVENUE NORTH 09°37'39" WEST, A DISTANCE OF 25.00 FEET TO A POINT IN A CURVE CONCAVE SOUTHERLY WITH A RADIUS OF 1495.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 160.62 FEET TO THE POINT OF BEGINNING, SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 76°53'29" EAST, AND A CHORD DISTANCE OF 160.55 FEET.

THIS SURVEY IS PROTECTED BY COPYRIGHT AND IS CERTIFIED ONLY TO THE PARTIES LISTED ABOVE AND ONLY FOR THIS PARTICULAR TRANSACTION. ANY USE OR REPRODUCTION OF THIS SURVEY WITHOUT THE EXPRESS PERMISSION OF THE SURVEYOR IS PROHIBITED. USE OF THIS SURVEY IN ANY SUBSEQUENT TRANSACTION IS NOT AUTHORIZED. THE SURVEYOR EXPRESSLY DISCLAIMS ANY CERTIFICATION TO ANY PARTIES IN FUTURE TRANSACTIONS. NO PERSON OTHER THAN THOSE LISTED SHOULD RELY UPON THIS SURVEY.

GENERAL NOTES:

- Encroachments as shown hereon are only those above ground, visible objects observed by the surveyor.
- No underground structures, utilities or foundations were located or determined by this survey.
- This survey does not reflect or determine ownership.
- This survey made without benefit of an abstract of title. No right-of-way or easements of record were furnished to this firm except as shown.
- All distances, bearings or angles are as field measured. Deed or plat measurements are noted if different.
- The certification of this survey is a professional opinion based on the existing field and documentary evidence available at the time this survey was prepared.
- This office has not abstracted this parcel of land for any recorded claims of title, easements or restrictions. This surveyor shall not be held liable for the existence of any such claims.
- The specific rights implied by this survey are not transferable.
- The measurements for this survey were made in accordance with the United States Standards.
- For building setbacks call the appropriate county codes enforcement office.
- Use of this survey for purposes other than that which it was intended, without written verification, will be at the user's sole risk and without liability to this surveyor. Nothing hereon shall be intended to give any rights or benefits to anyone other than those the survey was prepared for.
- All disputes here under shall be resolved by binding arbitration in accordance with rules set forth by the American Arbitration Association.
- This survey is certified to the last field date.
- This surveyor's liability shall not exceed the fee as stated by this surveyor.

NOTES:

- According to the Federal Emergency Management Agency FIRM Map No: N/A effective date: N/A, the property described hereon appears to lie in Zone, N/A
- Basis of bearing structure: N/A
- Basis of elevations: N/A

JOB NO.	LAST FIELD DATE	SCALE:	F.B./PAGE	CHK. BY:	DWG. BY:
15-0504	N/A	N/A	N/A	N.H.F.	M.P.F.

TYPE: LEGAL DESCRIPTION

© COPYRIGHT 2015, BY LANDTECH & ASSOCIATES, INC. ALL RIGHTS RESERVED.

LANDTECH
Associates, Inc.
LAND SURVEYOR'S

5100 A1A SOUTH, SUITE A
ST. AUGUSTINE, FLORIDA 32080
(904) 471-6877 FAX (904) 471-6876

Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper. Additions or deletions to survey maps or reports by other than the signing party is prohibited without the written consent of the signing party.

Nicholas H. Franklin

NICHOLAS H. FRANKLIN, P.L.S. #4620
FOR LANDTECH AND ASSOCIATES L.B. #7537

THE ST. AUGUSTINE RECORD

MOULTRIE MONTESSORI SCHOOL
JEANNIE BUSKIRK
109 CALLE DE LEON
ST AUGUSTINE FL 32086

Ref.#: L1385-15
P.O.#: &SMAJ15-02

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 **NICOLE CORRIVEAU**

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 2015-05 - AND SUPMAJ 2015-02**

was published in said newspaper on **05/20/2015**

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 _____ day of MAY 20 2015

by Nicole Corriveau who is personally known to me
or who has produced as identification

(Signature of Notary Public)



SHAWNE' H ORDONEZ
MY COMMISSION # EE212989
EXPIRES July 01, 2016

(Seal)

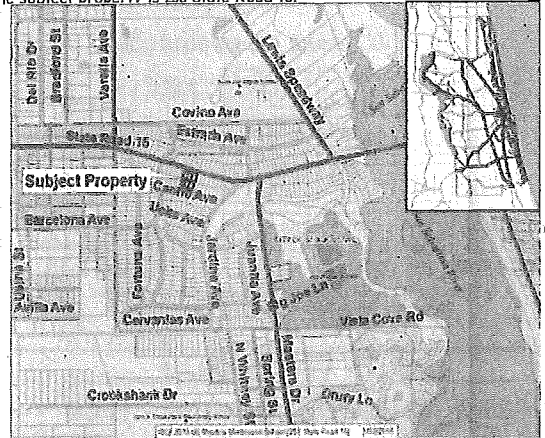
NOTICE OF A PROPOSED REZONING AND SPECIAL USE PERMIT

NOTICE IS HEREBY GIVEN that a public hearing will be held on 6/4/2015 at 1:30 p.m. by Planning and Zoning Agency in the County Auditorium, and 6/16/2015 at 9:00 a.m. by the Board of County Commissioners, located in the County Administration Building at 500 San Sebastian View, St. Augustine, Florida 32084 to consider a Request to rezone from Residential Single Family (RS-3) to Commercial General (CG), along with a Special Use Permit to allow for a driveway, stacking lane, green space and play area in association with an approved Private School.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF RESIDENTIAL, SINGLE FAMILY (RS-3) TO COMMERCIAL GENERAL (CG); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

3-146 SANTA ROSA SUBD LOTS 6 7 8 25 & 26 & ALL LOT 27 (EXW22 FT) BLK 10 OR3956/295

The subject property is 253 State Road 16.



This file and the proposed ordinance are maintained in the Planning and Zoning Section of the Growth Management Department located at the St. Johns County Permit Center, 4040 Lewis Speedway, St. Augustine, Florida 32084 and may be inspected by interested parties prior to said public hearing. Items not heard by 6 pm shall automatically be continued until 9 am the following day, unless otherwise directed by the Board.

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 and Zoning Section, 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 (1 800 955 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 PRISCILLA L. BENNETT, CHAIR
FILE NUMBER: REZ-2015000005 and SUPMAJ 2015-02
PROJECT NAME: Moultrie Montessori School
L1385-15 May 20, 2015



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

June 19, 2015

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 St. Johns Ordinance No. 2015-39, which was filed in this office on June 19, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

CLERK OF THE
ST. JOHNS COUNTY FL

2015 JUN 22 AM 7:47

FILED