

ORDINANCE NUMBER: 2017-43

Public Records of St. Johns County, FL  
Clerk number: 2017067348  
BK: 4443 PG: 1054  
10/4/2017 9:04 AM  
Recording \$35.50

**AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF COMMERCIAL, GENERAL (CG) WITH CONDITIONS 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 June 5, 2017 in addition to supporting documents and statements from the applicant **which are a part of Zoning File REZ 2017-05 Circle K at US 1 and State Road 206**, 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 Community Commercial (CC) as depicted on the 2025 Future Land Use

Map.

**SECTION 2.** Pursuant to this application File Number **REZ 2017-05** 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 5<sup>th</sup> DAY OF September 2017.**

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

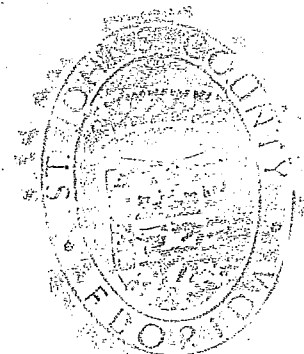
BY: [Signature]  
**James K. Johns, Chair**

RENDITION DATE SEP 07 2017

ATTEST: **HUNTER S. CONRAD, CLERK**

BY: [Signature]  
**Deputy Clerk**

EFFECTIVE DATE: SEP 07 2017



**EXHIBIT A**

**CIRCLE K AT US 1 & SR 206**

**REZ 2017-05**

**LEGAL DESCRIPTION**

(LANDS PER EXHIBIT A OF CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. 6336273)

BEING A PORTION OF LANDS LYING IN GOVERNMENT LOT 8, SECTION 31, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A CONCRETE MONUMENT FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 206, HAVING A RIGHT OF WAY WIDTH OF 200 FEET AS IS NOW ESTABLISHED, WHICH ALSO MARKS THE INTERSECTION OF SAID RIGHT OF WAY WITH THE EAST LINE OF GOVERNMENT LOT 8, SECTION 31, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE S 88°54'50" W ALONG SAID NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 206 A DISTANCE OF 418.20 FEET TO THE POINT OF BEGINNING; THENCE N 10°53'40" W, 363.28 FEET; THENCE N 71°49'03" W, 157.53 FEET; THENCE S 81°42'50" W, 381.71 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1; THENCE S 08°33'38" E ALONG SAID RIGHT-OF-WAY LINE, 123.87 FEET; THENCE N 84°00'00" E, 135.00 FEET; THENCE N 40°42'00" E, 43.00 FEET; THENCE S 54°08'00" E, 82.00; THENCE RUN S 42°16'00" E, 234.00 FEET; THENCE S 09°07'46" E, 58.09 FEET; THENCE N 88°54'50" E, 182.29 FEET TO THE POINT OF BEGINNING AND TO CLOSE.

(LANDS PER EXHIBIT A OF CHICAGO TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. 6336323)

BEING A PORTION OF LANDS LYING IN GOVERNMENT LOT 8, SECTION 31, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A:

COMMENCE AT A CONCRETE MONUMENT FOUND ON THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 206, HAVING A RIGHT OF WAY WIDTH OF 200 FEET AS IT IS NOW ESTABLISHED, WHICH ALSO MARKS THE INTERSECTION OF SAID RIGHT OF WAY WITH THE EAST LINE OF GOVERNMENT LOT 8, SECTION 31, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE SOUTH 88°54'50" WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF STATE ROAD 206, A DISTANCE OF

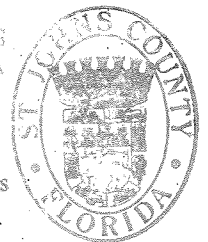
600.49 FEET TO THE POINT OF BEGINNING, OF THE HEREIN DESCRIBED PARCEL OF LAND; THENCE CONTINUE ALONG SAID RIGHT OF WAY LINE SOUTH 88°54'50" WEST A DISTANCE OF 79.51 FEET; THENCE NORTH 01°09'30" WEST A DISTANCE OF 41.00 FEET; THENCE SOUTH 88°54'50" WEST A DISTANCE OF 285.31 FEET TO THE EASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE, NORTH 08°33'38" WEST A DISTANCE OF 200 FEET; THENCE NORTH 84°00'00" EAST A DISTANCE OF 135.00 FEET; THENCE NORTH 40°42'00" EAST 43.00 FEET; THENCE SOUTH 54°08'00" EAST A DISTANCE OF 82.00 FEET; THENCE SOUTH 42°16'00" EAST 234 FEET; THENCE SOUTH 09°07'46" EAST A DISTANCE OF 58.09 FEET TO THE POINT OF BEGINNING.

LESS AND EXCEPT LANDS RECORDED IN OFFICIAL RECORDS BOOK 1482; PAGE 1097, PUBLIC RECORDS OF ST. JOHNS COUNTY, FLORIDA.

PARCEL B:

COMMENCE AT A CONCRETE MONUMENT FOUND ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 206, HAVING A RIGHT-OF-WAY WIDTH OF 200 FEET AS IS NOW ESTABLISHED, WHICH ALSO MARKS THE INTERSECTION OF SAID RIGHT-OF-WAY WITH THE EAST LINE OF GOVERNMENT LOT 8, SECTION 31, TOWNSHIP 8 SOUTH, RANGE 30 EAST, ST. JOHNS COUNTY, FLORIDA; THENCE S 88°54'50" W ALONG SAID NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 206 A DISTANCE OF 600.49 FEET; THENCE N 09°07'46" W, 58.09 FEET; THENCE N 42° 16'00" W, 234.00 FEET; THENCE N 54°08'00" W, 49.82 FEET TO THE POINT OF BEGINNING; THENCE N 54°08'00" W, 32.18 FEET; THENCE S 40°42'00" W, 43.00 FEET; THENCE N 75°45'00" E, 55.84 FEET TO THE POINT OF BEGINNING AND TO CLOSE.

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 3<sup>rd</sup> DAY OF October 2017  
ST. JOHNS COUNTY CLERK OF COURT  
Ex-Officio Clerk of the Board of County Commissioners



BY: Jelonne King D.C.

# THE ST. AUGUSTINE RECORD

ST JOHNS LAW GROUP  
DOUGLAS N. BURNETT  
104 SEA GROVE MAIN ST  
SAINT AUGUSTINE FL 32080

Ref.#: 17342652D  
P.O.#:

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

STATE OF FLORIDA,  
COUNTY OF ST. JOHNS

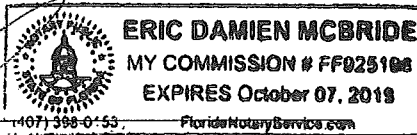
Before the undersigned authority personally appeared **JAMIE WILLIAMS** who on oath says that he/she is an Employee of the St. Augustine Record, a daily newspaper published at St. Augustine in St. Johns County, Florida; that the attached copy of advertisement being a **NOTICE OF HEARING** In the matter of **REZ 2017-05 CIRCLE K - REZ 2017-05 CIRCLE K 206** was published in said newspaper on **07/17/2017**

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 **JUL 24 2017**

by Jamie Williams who is personally known to me or who has produced as identification

[Signature]



(Signature of Notary Public)

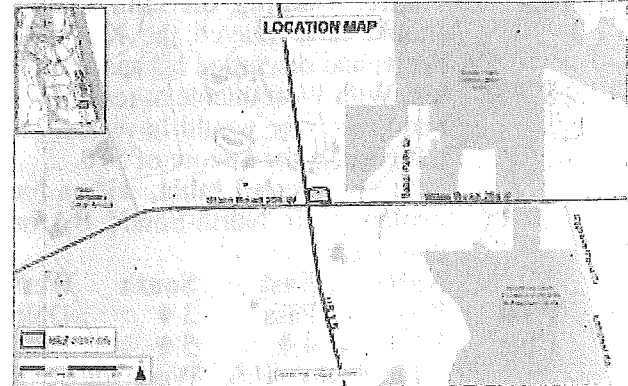
(Seal)

## NOTICE OF A PROPOSED REZONING

**NOTICE IS HEREBY GIVEN** that a public hearing will be held on 8/3/2017 at 1:30 pm before the Planning and Zoning Agency in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida and on 9/5/2017 at 9:00 am before the Board of County Commissioners in the St. Johns County Auditorium located at 500 San Sebastian View, St. Augustine, Florida to consider a Request to rezone approximately 4.31 acres from Commercial, General (CG) with conditions to Commercial, General (CG) to allow for the expansion of an existing Circle K.

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

The subject property is located at 6750 U.S. Highway 1 South, St. Augustine, FL 32086. See attached map (Exhibit A). 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.

BOARD OF COUNTY COMMISSIONERS  
ST. JOHNS COUNTY, FLORIDA  
JAMES K. JOHNS, CHAIR

PLANNING AND ZONING AGENCY  
ST. JOHNS COUNTY, FLORIDA  
JEFF MARTIN, CHAIR  
FILE NUMBER: REZ-2017000005  
PROJECT NAME: Circle K at US 1 & SR 206

17342652D July 17, 2017



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

September 7, 2017

Honorable Hunter S. Conrad  
Clerk of Court  
St. Johns County  
500 San Sebastian View  
St. Augustine, Florida 32084

Attention: Ms. Yvonne King

Dear Mr. Conrad:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2017-43, which was filed in this office on September 7, 2017. Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

FILED **SEP 07 2017**  
ST. JOHNS COUNTY  
CLERK OF COURT  
BY: *Yvonne King*  
DEPUTY CLERK