

ORDINANCE NUMBER: 2017 - 7

Public Records of St. Johns County, FL
Clerk number: 2017008026
BK: 4325 PG: 1867
2/2/2017 10:36 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, NEIGHBORHOOD (CN); 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 August 11, 2016 in addition to supporting documents and statements from the applicant **which are a part of Zoning File REZ 2016-11 Commercial Retail Store – SR 16 at Varella** 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, Neighborhood (CN)** 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, Neighborhood (CN)** is consistent with the St. Johns County Land Development Code.
4. The zone district of **Commercial, Neighborhood (CN)** is consistent with the land uses allowed in the land use designation of Mixed Use (Md) as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application File Number **REZ 2016-11** the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to Commercial, Neighborhood (CN)

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 17th DAY OF January 2017.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: [Signature]
James K. Johns, Chairman

RENDITION DATE January 20, 2017

ATTEST: HUNTER S. CONRAD, CLERK

BY: [Signature]
Deputy Clerk

EFFECTIVE DATE: January 23, 2017





JACKSONVILLE | GAINESVILLE | OCALA
8563 Argyle Business Loop, Ste. 3, Jacksonville, Florida 32244
132 NW 76th Drive, Gainesville, Florida 32607
101 NE 1st Avenue, Ocala, Florida 34470
WWW.CHW-INC.COM

DESCRIPTION

DATE: August 8, 2016
PROJECT NAME: Varella Parcel
PROJECT NO: 16-0448
DESCRIPTION FOR: Rezoning Application

Parcel One:

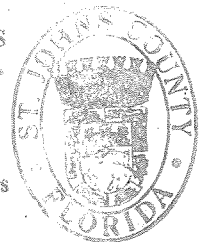
Lot 1, Block 1, EXCEPT the East 15 feet for right of way of Varella Avenue as conveyed in Deed Book 253, page 379, and all of Lots 2 through 8, Block 1 and West 5 feet of Lot 5 of Block 6, and Lots 6 through 8 of Block 6 and part of vacated Cordova Avenue all in Hopkins Subdivision of St. Sebastian, according to the map thereof, as recorded in Map Book 1, page 134, Public Records of St. Johns County, Florida.

Parcel Two:

Lot 1 EXCEPT the East 15 feet for right of way of Varella Avenue as conveyed in Deed Book 253, page 379, and Lots 2, 3, 4 and the east 36 feet of Lot 5, Block 6, Hopkins Subdivision of St. Sebastian, according to the map thereof, as recorded in Map Book 1, page 134, Public Records of St. Johns County, Florida. Together with the vacated portion portions of Cordova Avenue as vacated in Resolution 87-59 appurtenant to said Lots.

Less and except right of way for State Road 16, lying and being in Section 12, Township 7 South, Range 29 East, St. Johns County, Florida

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 1st DAY OF February 2017
ST. JOHNS COUNTY CLERK OF COURT
Ex-Officio Clerk of the Board of County Commissioners



BY: Wendee King D.C.

THE ST. AUGUSTINE RECORD

CONCEPT COMPANIES
3917 NW 9TH BLVD
GAINESVILLE FL 32606

Ref.#: 17037828D
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 KELLY BYRNES
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 2016-11 VARELLA - REZ 2016-11 VARELLA
was published in said newspaper on 11/30/2016

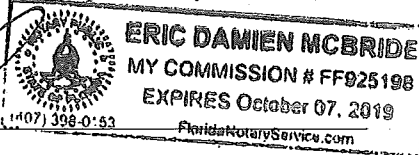
Affiant further says that the St. Augustine Record is a newspaper published
at St. Augustine, in said St. Johns County, Florida, and that the said newspaper
heretofore has been continuously published in said St. Johns County, Florida,
each day and has been entered as second class mail matter at the post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

by Kelly Byrnes who is personally known to me
or who has produced as identification

[Handwritten signature of Notary Public]

(Signature of Notary Public)



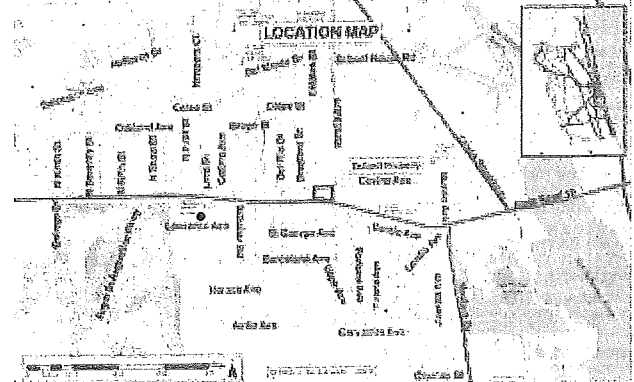
(Seal)

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 12/15/2016
of 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
1/17/2017 at 9:00 am before the BCC Board in the St. Johns County Auditorium
located at 500 San Sebastian View, St. Augustine, Florida to consider a
Request to rezone approximately 1.56 acres from Residential, Single-Family
(RS-3) to Commercial, Neighborhood (CN) to allow for the construction of a
retail store.

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, NEIGHBORHOOD (CN); MAKING FINDINGS OF FACT;
REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is North side of State Road 16, East of Hill Street, West
of Varella Avenue. 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
JEB S. SMITH, CHAIR

PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
JEFF MARTIN, CHAIR
FILE NUMBER: REZ-2016000011

PROJECT NAME: Commercial Retail Store - SR 16 at Varella
17037828D November 30, 2016

NOV 30 2016



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

January 23, 2017

FILED *January 23, 2017*
ST. JOHNS COUNTY
CLERK OF COURT
BY: *Yvonne King*
DEPUTY CLERK

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. 2017-7, which was filed in this office on January 23, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb