

ORDINANCE NO. 2020 - 63

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 AGRICULTURAL-INTENSIVE TO RESIDENTIAL-A, FOR APPROXIMATELY 5.68 ACRES OF LAND LOCATED AT 9321 BYRD ROAD; PROVIDING FOR FINDINGS OF FACT; FINDINGS OF CONSISTENCY; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, Chapter 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,

NOW THEREFORE 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 Agricultural-Intensive to Residential-A, for approximately 5.68 acres of land located at 9321 Byrd Road and shown on the attached **EXHIBIT A and B**.

SECTION 2. The 2025 Comprehensive Plan amendment described in Section 1 is 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.
- (d) The amendment is consistent with the Goals, Objectives, and Policies of the St. Johns County Comprehensive Plan, including Policies A.1.2.5, A.1.2.7, A.1.3.11, A.1.15.2, and with other provisions provided during the hearing.

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 15th DAY OF December 2020.

BOARD OF COUNTY COMMISSIONERS OF
ST. JOHNS COUNTY, FLORIDA

BY: *Jeremiah R. Blocker*
Jeremiah R. Blocker Chair

Rendition Date: DEC 22 2020

ATTEST: Brandon J. Patty
Clerk of the Circuit Court & Comptroller

BY: *Yvonne King*
Deputy Clerk

Effective Date: JAN 15 2021



EXHIBIT A
2025 Future Land Use
From Agricultural-Intensive
To Residential-A

PARK/RECREATION

AGRICULTURE

AGRICULTURE

RESIDENTIAL-A

AGRICULTURE

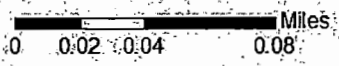
Subject Property

County Road 13 S

Luther Beck Rd

Byrd Rd

Cracker Swamp Rd



CPA(SS) 202000002-9321, Byrd Road (049520-0020) 09/23/2020

 CPA(SS) 2020-02

EXHIBIT B

SURVEY RELEASE

RE: Our File # 05-1263
Property Address: 9321 Byrd Road (part of), Hastings, Florida 32145

Clealand Elwood Wilson, the undersigned buyers in the closing held by Action Title Services of St. Johns County, Inc. on the property described as follows:

TRACT "C"

A part of Government Lot 2, Section 34, Township 9 South, Range 28 East, St. Johns County, Florida and being more particularly described as follows:

Commence at the Southwest corner of said Government Lot 2; thence South 88 degrees 51 minutes 26 seconds East, along the South line of said Lot 2 a distance of 24.36 feet to a point on the West maintenance line for Luther Beck Road, as recorded in County Road Plat Book 1, Page 40, dated March 15, 2002, and adopted in Resolution recorded in Official Records Book 1758, Page 1550 of said county, said point being on a non tangent curve concaved to the Southeast, with a radius of 100.00 feet, a delta angle of 39 degrees 12 minutes 57 seconds, a chord of 67.12 feet, a chord bearing of South 72 degrees 23 minutes 18 seconds West; thence along arc of said curve a distance of 68.44 feet to the point of tangency; thence continue along said North maintenance line for Luther Beck Road the next 2 courses, South 88 degrees 00 minutes 14 seconds East a distance of 295.03 feet; thence South 88 degrees 58 minutes 02 seconds East a distance of 38.04 feet; thence departing Luther Beck Road North 1 degrees 25 minutes 45 seconds East a distance of 248.09 feet; thence North 58 degrees 20 minutes 51 seconds East a distance of 358.16 feet to the Point of Beginning of the herein described tract of land; thence North 1 degrees 25 minutes 45 seconds East a distance of 236.73 feet more or less to the centerline of Wilkinson Branch; thence along the centerline of Wilkinson Branch the next 5 courses, North 57 degrees 56 minutes 19 seconds East a distance of 7.85 feet; thence North 57 degrees 27 minutes 30 seconds East a distance of 99.96 feet; thence North 56 degrees 38 minutes 56 seconds East a distance of 100.26 feet; thence North 58 degrees 05 minutes 28 seconds East a distance of 98.15 feet; thence North 25 degrees 50 minutes 41 seconds East a distance of 22.82 feet to a point on the Southwesterly right of way line for County Road 13 (an 80 foot right of way as now established) said point being on a non tangent curve concaved to the Northeast with a radius of 2904.93 feet, a delta angle of 5 degrees 49 minutes 05 seconds, a chord of 294.85 feet, a chord bearing of South 58 degrees 37 minutes 43 seconds East; thence along the arc of said curve a distance of 294.98 feet to the West maintenance line of said Beck Road as recorded in County Road Plat Book 1, Page 40, dated March 15, 2002, and adopted in Resolution recorded in Official Records Book 1758, Page 1550 of said county; thence along said West maintenance line South 3 degrees 49 minutes 36 seconds West a distance of 571.30 feet; thence departing said West maintenance line North 58 degrees 16 minutes 17 seconds West a distance of 573.11 feet to the Point of Beginning.

THE ST. AUGUSTINE RECORD
Affidavit of Publication

DIANN WILSON
1297 COUNTY ROAD 13S
ST. AUGUSTINE, FL 32092

ACCT: 52879
AD# 0003312896-01
PO#

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

STATE OF FLORIDA
COUNTY OF ST. JOHNS

Before the undersigned authority personally appeared MELISSA RHINEHART who on oath says 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 **SA LEGAL AD DISPLAY** in the matter of **CPA (SS) 2020-02** was published in said newspaper on **10/12/2020**.

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in 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, Florida for a period of one year preceding the first publication of the attached copy of advertisement; and affiant further says the he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission, or refund for the purpose of securing this advertisement for publication in said newspaper.

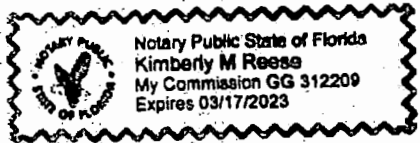
Sworn to (or affirmed) and subscribed before me by means of

physical presence or
 online notarization

this day of OCT 13 2020

by Melissa Rhinehart who is personally known to me or who has produced as identification

Kimberly M Reese
(Signature of Notary Public)



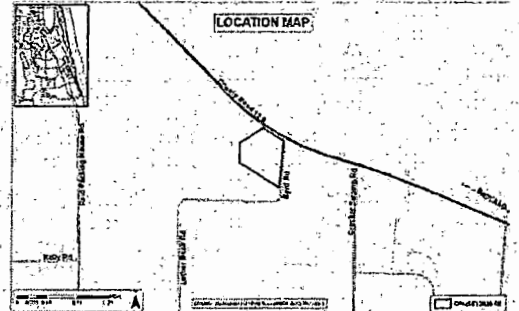
NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF A PROPOSED SMALL SCALE COMPREHENSIVE PLAN AMENDMENT TO THE FUTURE LAND USE MAP OF THE ST. JOHNS COUNTY 2025 COMPREHENSIVE PLAN

NOTICE IS HEREBY GIVEN that the Planning and Zoning Agency on **Thursday, 11/5/2020 at 1:30 p.m.**, and the St. Johns County Board of County Commissioners on **Tuesday, 12/15/2020 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 approval of a proposed Small Scale 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 approve the same proposed Small Scale 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 AGRICULTURAL-INTENSIVE TO RESIDENTIAL-A, FOR APPROXIMATELY 5.68 ACRES OF LAND LOCATED AT 9321 BYRD ROAD; 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 5.68 acres and is located on 9321 Byrd Road (049520-0020), within St. Johns County, Florida. See attached map generally depicting the location (Exhibit A). A complete description is available in the St. Johns County Planning and Zoning Office.



The proposed change is known as File Number CPA(SS)-2020000002, and is available for review in the Planning and Zoning Division 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 hearings.

Interested parties may appear at the public hearings to be heard regarding the proposed amendment. In accordance with St. Johns County Emergency Order No. 2020-10, this meeting may be conducted remotely and may provide remote public participation under communication media technology (CMT). CMT means the electronic transmission of printed matter, audio, full motion video, free-frame video, compressed video, and digital video by any method available. CMT being used to conduct the meeting includes Government TV (GTV), phone, and wireless microphone. Should a person wish to submit printed material, it must be submitted a minimum of 5 days in advance of this meeting. Such printed documentation will be presented at the meeting.

A person may attend this CMT meeting by calling the telephone number at 904.209.1265 and viewing the meeting on [GTV or <http://www.sjcl.us/GTV/watchgvtv.aspx>]. Written or physical documentation may be submitted to the St. Johns County Growth Management Department at 4040 Lewis Speedway, St. Augustine, FL 32084, or e-mail address: plandept@sjcl.us.

Additional information may be obtained at:
Mailing address: 4040 Lewis Speedway, St. Augustine, FL 32084
Email address: plandept@sjcl.us
Phone number: 904.209.0675

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. Any evidence, testimony, and argument which is offered utilizing CMT shall be afforded equal consideration as if were offered in person and shall be subject to the same objections.

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 (18009558770), no later than 5 days prior to the meeting.

PLANNING AND ZONING AGENCY
ST. JOHNS COUNTY, FLORIDA
MIKE KOPPENHAFFER, CHAIR
File Number: CPA(SS) 2020-02
Project Name: 9321 Byrd Road (049520-0020)

BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JEB S. SMITH, CHAIR

0003312896 October 12, 2020



FLORIDA DEPARTMENT OF STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

December 22, 2020

Honorable Brandon Patty
Clerk of Courts
St. Johns County
500 San Sebastian View
St. Augustine, Florida 32084

Attention: Yvonne King

Dear Mr. Patty:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns Ordinance No. 2020-63, which was filed in this office on December 22, 2020.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

DEC 22 2020
FILED
ST. JOHNS COUNTY
CLERK OF COURT
BY: Yvonne King
DEPUTY CLERK