

ORDINANCE NUMBER: 2024 - 37

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF TREATY GROUND PLANNED UNIT DEVELOPMENT (PUD) TO OPEN RURAL (OR) WITH CONDITIONS; 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 January 16, 2024 in addition to supporting documents and statements from the applicant, **which are a part of Zoning File REZ 2024-01 Brinkhoff Charter School**, 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 **Open Rural (OR)** with conditions 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 **Open Rural (OR)** with conditions is consistent with the St. Johns County Land Development Code.
4. The zoning district of **Open Rural (OR)** is consistent with the land uses allowed in the land use designation of **Residential-C (RES-C)** as depicted on the 2025 Future Land Use Map.

SECTION 2. Pursuant to this application **File Number REZ 2024-01 Brinkhoff Charter School** the zoning classification of the lands described within the attached legal description, Exhibit "A",

is hereby changed to Open Rural (OR) with conditions

Development of the lands shall be subject to the following condition(s):

1. School start times will be 8:00 am or earlier for kindergarten through 5th grade, and 8:15 am or earlier for 6th through 8th grade.
2. The property owner shall provide a 1-year surety bond in the amount of \$100,000.00 to the County to ensure completion of additional site access improvements, which may be necessary after the charter school and/or early learning center are open to comply with applicable County Land Development Regulations to accommodate the actual traffic impacts from the project. The property owner's obligation for the aforementioned improvements, in total, shall not exceed \$100,000.00.
3. It is anticipated that traffic signalization at the intersection of SR 207/Brinkhoff Road may be operational prior to the proposed school opening in August 2025. In the event that the traffic signal is not operational in time for the opening of the charter school, the property owner shall provide, at its own cost and expense, Public Safety Assistants (PSAs) to manage traffic control at said intersection during school peak student drop off hours of 7:30 a.m. to 8:30 a.m. until December 31, 2025.
4. The property owner will contribute \$374,000.00 via an Impact Fee Credit Agreement towards the cost of the traffic signal to be installed at the SR 207 and Brinkhoff Road intersection.
5. A 20-foot buffer with 70 percent opacity will be provided and maintained on the southern boundary of adjacent property to the east (Current Parcel ID #136160-0000).

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. It is the intent of the St. Johns County Board of County Commissioners that scrivener and typographic errors which do not change the tone or tenor of this Ordinance may be corrected during codification and may be authorized by the County Administrator or designee, without public hearing, by filing a corrected or recodified copy of the same with the Clerk of the Board.

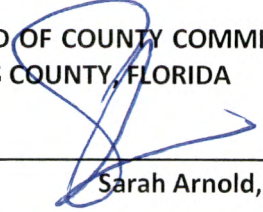
SECTION 5. This Ordinance shall take effect upon receipt by the Secretary of State.

SECTION 6. 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 7. Upon the effective date of this Ordinance, the zoning classification shall be recorded on the Zoning Atlas.

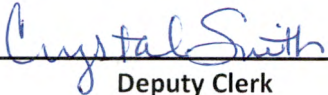
PASSED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA THIS 4th DAY OF June 2024.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA

BY: 
Sarah Arnold, Chair

Rendition Date JUN 12 2024

ATTEST: BRANDON J. PATTY, CLERK OF THE CIRCUIT COURT & COMPTROLLER

BY: 
Deputy Clerk

JUN 12 2024

EFFECTIVE DATE: _____

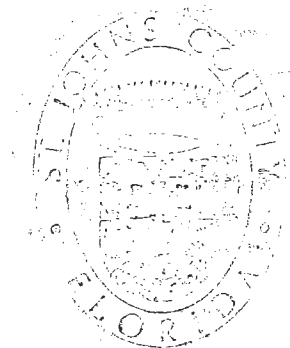


EXHIBIT "A"

LEGAL DESCRIPTION OF OR ZONED PROPERTY

PARCEL 1

A PORTION OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SECTION 3, TOWNSHIP 8 SOUTH, RANGE 29 EAST, SAINT JOHNS COUNTY, FLORIDA, LYING SOUTHERLY OF BRINKHOFF ROAD AS NOW ESTABLISHED FOR A 66 FOOT RIGHT-OF-WAY, AND WESTERLY OF THE FORMER BILLINGS FARM AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 3, SAID POINT BEING ON THE NORTH RIGHT-OF-WAY LINE OF BRINKHOFF ROAD AT THE END OF SAID ROAD; THENCE SOUTH 00°54'43" EAST ALONG THE EAST LINE OF THE WEST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 3, 66.04 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 00°54'43" EAST ALONG LAST SAID LINE, 484.50 FEET; THENCE NORTH 88°30'44" EAST, PARALLEL WITH SAID BRINKHOFF ROAD, 476.17 FEET; THENCE NORTH 07°11'20" WEST, 486.89 FEET TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID BRINKHOFF ROAD; THENCE SOUTH 88°30'44" WEST, ALONG SAID SOUTHERLY RIGHT-OF-WAY LINE 422.93 FEET TO THE POINT OF BEGINNING.

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

13th DAY OF June 2024
ST. JOHNS COUNTY CLERK OF COURT
Ex-Officio Clerk of the Board of County Commissioners



By: Robin L. Povee, Deputy Clerk

LOCALiQ FLORIDA

PO Box 631244 Cincinnati, OH 45263-1244

AFFIDAVIT OF PUBLICATION

Dawn Lange
ELLEN AVERY-SMITH
100 Whetstone PL # 200
Saint Augustine FL 32086-5775

STATE OF WISCONSIN, COUNTY OF BROWN

Before the undersigned authority personally appeared, who on oath says that he or she is the Legal Coordinator of the St Augustine Record, published in St Johns County, Florida; that the attached copy of advertisement, being a Classified Legal CLEGL, was published on the publicly accessible website of St Johns County, Florida, or in a newspaper by print in the issues of, on:

04/11/2024

Affiant further says that the website or newspaper complies with all legal requirements for publication in chapter 50, Florida Statutes.

Subscribed and sworn to before me, by the legal clerk, who is personally known to me, on 04/11/2024

Legal Clerk

Notary, State of WI, County of Brown

8.25.26

My commission expires

Publication Cost: \$326.40
Order No: 10039288 # of Copies:
Customer No: 784746 1
PO #: REZ 2024-01 Brinkhoff

THIS IS NOT AN INVOICE!

Please do not use this form for payment remittance.

MARIAH VERHAGEN
Notary Public
State of Wisconsin

NOTICE OF A PROPOSED REZONING

NOTICE IS HEREBY GIVEN that a public hearing will be held on 5/2/2024 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 6/4/2024 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 five (5) acres of land from Planned Unit Development (PUD) to Open Rural (OR) to allow for a K-8 Charter School and Early Learning Center.

AN ORDINANCE OF THE COUNTY OF ST. JOHNS, STATE OF FLORIDA, REZONING LANDS AS DESCRIBED HEREINAFTER FROM THE PRESENT ZONING CLASSIFICATION OF TREATY GROUND PLANNED UNIT DEVELOPMENT (PUD) TO OPEN RURAL (OR); MAKING FINDINGS OF FACT; REQUIRING RECORDATION; AND PROVIDING AN EFFECTIVE DATE.

The subject property is located at 1600 Brinkhoff Road See attached map (Exhibit A). This file and the proposed ordinance are maintained in the Planning and Zoning Division 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 Division, 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 St. Johns County Facilities Management, 2416 Dobbs Road, St. Augustine, FL 32086. 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
MEAGAN PERKINS, CHAIR SARAH ARNOLD, CHAIR

FILE NUMBER: REZ-202400001
PROJECT NAME: Brinkhoff Charter School

Order #: 10039288
Publish date: April 11, 2024



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

June 12, 2024

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

Dear Honorable Brandon Patty,

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of St. Johns County Ordinance No. 2024-32, which was filed in this office on June 12, 2024.

Sincerely,

Matthew Hargreaves
Administrative Code and Register Director

MJH/wlh

