

ORDINANCE NO. 99- 04
AMENDMENT TO ORDINANCE NO. 91-04
NASSAU COUNTY, FLORIDA

WHEREAS, on the 28th day of January, 1991, the Board of County Commissioners, Nassau County, Florida, did adopt Ordinance No. 91-04, an ordinance enacting and establishing the Comprehensive Land Use Plan and the Future Land Use Map for the unincorporated portion of Nassau County, Florida; and

WHEREAS, RAYLAND COMPANY and NASSAU PARTNERS, LTD., owners of the real property described in this Ordinance has applied to the Board of County Commissioners to reclassify 716 acres from Agricultural to Low Density Residential on the Future Land Use Map of Nassau County; and

WHEREAS, the Nassau County Planning and Zoning Board, after due notice and public hearing has considered the application and recommended transmittal of the proposed amendment to the Department of Community Affairs; and

WHEREAS, the Board of County Commissioners has held a transmittal hearing on July 13, 1998 and transmitted the amendment to the Department of Community Affairs; and

WHEREAS, the Board of County Commissioners has received the Objections, Recommendations, and Comments Report (ORC); and

WHEREAS, the Nassau County Planning and Zoning Board considered the Objections, Recommendations and Comments of the Department of Community Affairs and the response by the Nassau County Planning staff and the applicant and the Board recommended approval; and

WHEREAS, the Board of County Commissioners has considered the Objections, Recommendations, and Comments Report issued by the Florida Department of Community Affairs, and the responses to the Report prepared by the Nassau County Planning staff, and the owners of the subject property and Planning and Zoning Board recommendation; and

WHEREAS, the Board of County Commissioners has considered a Development Agreement between the applicant and the Board of County Commissioners; and

WHEREAS, taking into consideration the above recommendations and responses, the Board of County Commissioners finds that the amendment to the Future Land Use Map and reclassification is consistent with the overall Comprehensive Land Use Plan and orderly development of the County of Nassau, Florida, and the specific area.

NOW THEREFORE BE IT ORDAINED, by the Board of County Commissioners of Nassau County, Florida, this 25th day of January, 1999 as follows:

SECTION 1. PROPERTY CLASSIFIED. The real property described in Section 2 is reclassified from AGRICULTURAL to LOW DENSITY RESIDENTIAL on the Future Land Use Map of Nassau County.

SECTION 2. OWNER AND DESCRIPTION. The land reclassified by this Ordinance is owned by RAYLAND COMPANY and NASSAU PARTNERS, LTD., and is described as follows:

See Exhibit "A" attached hereto and made a part hereof by specific reference.

SECTION 3. The provisions of the development agreement attached as Exhibit "B" are hereby incorporated in this ordinance.

SECTION 4. The objections and recommendations of the Department of Community Affairs are set forth in the attached Exhibit "C", and have been addressed by the Planning and Zoning Staff in the same exhibit and the Board of County Commissioners adopts the staff responses. The responses prepared by the applicant are set forth in Exhibit "D".

SECTION 5. EFFECTIVE DATE. The effective date of this plan amendment shall be the date a final order is issued by the Department

of Community Affairs or Administration Commission finds the amendment in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

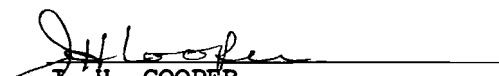
ADOPTED this 25th day of January, 1999.

CERTIFICATE OF AUTHENTICATION
ENACTED BY THE BOARD

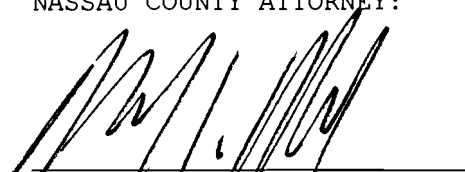
ATTEST:

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


J. M. "CHIP" OXLEY, JR.
Its: Ex-Officio Clerk


J. H. COOPER
Its: Chairman

APPROVED AS TO FORM BY THE
NASSAU COUNTY ATTORNEY:


MICHAEL S. MULLIN



SURVEYORS
&
LAND PLANNERS

PRIVETT & ASSOCIATES, INC.
200 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

EXHIBIT A

Telephone: 912/882-3738
Fax: 912/882-2729

May 26, 1998

LEGAL DESCRIPTION OF THE PLUMMERS CREEK PROJECT IN SECTIONS 11,12, 13
AND 14, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA.

FOR: RAYLAND COMPANY, INC.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN SECTIONS 11, 12, 13 AND 14, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE EASTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) INTERSECTS THE CURVED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 200/A-1-A (A VARIABLE WIDTH RIGHT-OF-WAY AS MONUMENTED) AND RUN IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING NORTH 78°-20'-43" EAST, RUN THENCE NORTH 72°-19'-01" EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 200/A-1-A, A DISTANCE OF 972.07 FEET TO A ONE-HALF INCH IRON PIPE AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK FOR A POINT HEREAFTER CALLED POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 08°-11'-00" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID EDWARDS ROAD, A DISTANCE OF 890.87 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 4006.70 FEET, A CHORD DISTANCE OF 850.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 14°-16'-40" EAST; RUN THENCE SOUTH 20°-22'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 277.95 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 3859.75 FEET, A CHORD DISTANCE OF 965.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 13°-11'-20" EAST; RUN THENCE SOUTH 06°-00'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2634.11 FEET TO A POINT; RUN THENCE SOUTH 06°-30'-20" EAST, CONTINUING

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ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1387.83 FEET TO A POINT ON A SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF RAYLAND COMPANY, INC. ACCORDING TO DEED RECORDED IN BOOK 579, PAGE 407 OF THE OFFICIAL RECORDS OF SAID COUNTY; RUN THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID SOUTHERLY LINE; NORTH 89°-28'-47" EAST, A DISTANCE OF 347.04 FEET TO A POINT; NORTH 88°-55'-34" EAST, A DISTANCE OF 415.56 FEET TO A POINT; NORTH 88°-51'-56" EAST, A DISTANCE OF 769.07 FEET TO A POINT; NORTH 88°-53'-14" EAST, A DISTANCE OF 523.40 FEET TO A POINT; RUN THENCE SOUTH 01°-20'-31" EAST, A DISTANCE OF 761.38 FEET TO A POINT ON THE NORTHERLY LINE OF NASSAU LANDING SUBDIVISION; RUN THENCE THE FOLLOWING THREE (3) COURSES ALONG LAST MENTIONED NORTHERLY LINE; SOUTH 73°-16'-31" EAST, A DISTANCE OF 1281.46 FEET TO A POINT; SOUTH 73°-14'-27" EAST, A DISTANCE OF 40.00 FEET TO A POINT; SOUTH 73°-14'-27" EAST, A DISTANCE OF 1054.65 FEET TO A POINT; RUN THENCE THE FOLLOWING EIGHT (8) COURSES NORTH 06°-58'-18" EAST, A DISTANCE OF 597.82 FEET TO A POINT; NORTH 69°-33'-54" EAST, A DISTANCE OF 269.44 FEET TO A POINT; SOUTH 01°-35'-10" EAST, A DISTANCE OF 285.21 FEET TO A POINT; NORTH 76°-32'-47" EAST, A DISTANCE OF 627.55 FEET TO A POINT; NORTH 38°-28'-33" WEST, A DISTANCE OF 305.90 FEET TO A POINT; NORTH 48°-03'-14" WEST, A DISTANCE OF 311.24 FEET TO A POINT; NORTH 13°-28'-05" EAST, A DISTANCE OF 812.21 FEET TO A POINT; SOUTH 83°-21'-44" EAST, A DISTANCE OF 325 FEET, MORE OR LESS, TO THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK THAT BEARS SOUTH 31°-29'-45" EAST, 8330.52 FEET FROM SAID POINT "A"; RUN THENCE GENERALLY IN A NORTHERLY DIRECTION ALONG THE MEANDERINGS OF THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK, A DISTANCE OF 14,475 FEET, MORE OR LESS TO SAID POINT "A"; RUN THENCE SOUTH 72°-19'-01" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO 200/A-1-A, A DISTANCE OF 972.07 FEET TO A POINT OF CURVATURE; RUN THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF BEGINNING, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 78°-20'-43" WEST.

LESS AND EXCEPT 48.59 ACRES IN THE SOUTHEAST QUADRANT OF THE ABOVE DESCRIBED LANDS

THE LAND THUS DESCRIBED CONTAINS 716 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.

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11-2N-26-0000-0001-0010
12-2N-26-0000-0001-0080
13-2N-26-0000-0002-0010
14-2N-26-0000-0001-0020

Parcel Identification Number (18 digit number)

EXHIBIT B

NASSAU PARTNERS-RAYLAND DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT, made this 25th day of January, 1999, by and between **RAYLAND COMPANY**, a Florida corporation ("Rayland"), **NASSAU PARTNERS, LTD.**, a Florida limited partnership, its heirs, successors, or assigns (the "Partnership"), and **NASSAU COUNTY**, a political subdivision of the State of Florida (the "County").

W I T N E S S E T H:

WHEREAS, Rayland and Partnership each own portions of the land consisting of 716 acres described in Exhibit A attached hereto (the "Property"), which is the subject of an Application for Comprehensive Plan Amendment, and;

WHEREAS, Partnership owns the portion of the Property consisting of 347 acres described on Exhibit B of which 310 acres is the subject of an application for zoning approval as a Planned Unit Development ("PUD Property"), as further depicted on the PUD map attached as Exhibit C, with up to 550 single family residential units at a net density of 1.85 units/acre, up to 120,000 square feet of neighborhood commercial space on 12 acres (the "Proposed Development") and the remaining 37 acres is an out parcel along Edwards Road isolated from the PUD Property by wetlands which will be developed with up to 37 single family units ("Future Development");

WHEREAS, the balance of the Property consisting of 369 acres exclusive of that which is described in Exhibit B which is owned by

Rayland is also intended to be developed in the future ("Rayland Development") but no plans exist at the present time;

WHEREAS, the Property is located at a strategic and rapidly growing node at the intersection of Interstate 95 and SR 200 which is compatible with the County's Comprehensive Planning Policies 1.06.03 and 1.02 to promote compact growth with urban development areas by establishing mixed-use nodal development at this location and to promote compatibility with surrounding land uses;

WHEREAS, the development of the Property would provide residential units as housing opportunities for employees at the new community college campus, County Jail, and other new business in the vicinity;

WHEREAS, County wishes to insure that no development occurs which creates impacts which would be regionally significant to Interstate 95 or which would cause either State Road 200 or U. S. 17 to fall below an acceptable Level of Service;

WHEREAS, County has determined that no other roadway links will be adversely affected by the Proposed Development subject to the application of the conditions precedent as set forth in Paragraph 2 herein;

WHEREAS, the Proposed Development will include an 8 acre active recreation area and 65 acres of passive recreation/open space;

WHEREAS, water and sewer service for the Proposed Development is available from private utility companies; drainage shall be provided by the Partnership; solid waste shall be provided by the

County; recreation shall be provided by the Partnership; and education shall be provided by the School Board of Nassau County;

Public Facility Schedule

The following public facilities will serve the development proposed for the Property through the 10 years of the Development Agreement to 2009.

- (1) Transportation - this Development Agreement meets the requirements of Section 163.3180 (2) F.S. regarding the provision of roads. The Partnership has limited its development to construction resulting in only those impacts which can be handled by presently existing roadway links without causing a regional significance to Interstate 95 or causing the level of service on State Road 200 and other affected links (i.e. U. S. 17) to fall below an acceptable level of service. At such time as the available capacity has been utilized, construction will cease until improvements needed for further construction are scheduled within the first three years of the Five Year Work Program of the Florida Department of Transportation (i.e. funded) or the County's Five Year Capital Improvement Program.
- (2) Potable Water and Sanitary Sewer - United Water Services will provide adequate water and wastewater service to the Proposed Development in accordance with the phasing schedule as set forth in the Development Agreement on pages 7 and 8, Section 2.
- (3) Solid Waste - The County owns and operates the County's landfill. It will have sufficient space to accommodate the solid waste generated by the development of the Property through 2009.
- (4) Drainage - The Partnership, Rayland, their successors and assigns, shall provide drainage in accordance with the St. Johns River Water Management District and the County regulations, consistent with the phasing schedule as set forth in the Development Agreement, pages 7 and 8, Section 2.
- (5) Education - The School District reports the schools in the County's southern section, in which the Property is located, will have space to accommodate the pupils generated by the development on the Property.

- (6) Parks - Through 2009, the County's plans for recreational acreage both active and passive meet the adopted Level of Service Standard. The Proposed Development generates 7.0 acres of demand for active recreation and 39 acres of demand for passive recreation. The Proposed Development's PUD application reflects plans for 8 acres of active recreation and 65 acres of open space/passive recreation, exceeding the County's Level of Service standards for the Proposed Development.
- (7) Health Systems and Facilities - The County projects that it will have sufficient hospital beds through 2009.

WHEREAS, the Partnership seeks concurrency approval for roads, recreation, and solid waste for the Proposed Development consisting of a total of 550 single family units and 120,000 square feet of neighborhood commercial space subject to the conditions precedent as set forth in Paragraph 2 herein;

WHEREAS, the Partnership and Rayland wish to enter into this Agreement for the purposes of setting forth the conditions under which development on the Property may occur;

WHEREAS, the Partnership and Rayland are executing this Agreement for a period of up to ten years to provide the County assurances of quality residential development in a sensitively planned community at a strategically located mixed use node by meeting or exceeding comprehensive planning policies by targeting development to availability of infrastructure.

WHEREAS, the County acknowledges Proposed and Future Development meet the goals and policies of the Nassau County Comprehensive Plan and Future Land Use Map as amended by the concurrent amendment with this Development Agreement;

WHEREAS, the County acknowledges that the Proposed and Future Development provides much needed residential development at a rapidly developing node and that such residential development, by providing housing opportunities in proximity to employment bases on a phased basis, which will be instrumental in limiting traffic impacts within the development node;

WHEREAS, the County deems it to be in the public interest to recognize the benefits of the Proposed Development;

WHEREAS, upon approval of this Development Agreement, the Comprehensive Plan Amendment and the PUD Application, County will be deemed to have issued concurrency approval pursuant to the Phasing Schedule set forth on pages 7 and 8, Section 2 subject to the conditions precedent as set forth in Paragraph 2 herein;

WHEREAS, the Florida Local Government Development Agreement Act, Sections 163.3220 - 163.3243, Florida Statutes (the "Act"), authorizes local governments to enter into development agreements with developers to encourage a stronger commitment to comprehensive and capital facilities planning, to ensure the provision of adequate public facilities for development, to encourage the efficient use of resources, to reduce the economic cost of development and to provide certainty to developers in the approval of development and assurances that they may proceed in accordance with existing laws and policies, subject to the conditions of such development agreements;

WHEREAS, the "Act" authorizes agreements for up to ten years and considered for an extension upon a showing of cause at a public hearing;

WHEREAS, the County's ordinances permit execution of such Development Agreement;

WHEREAS, such Development Agreement strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning and reduces the costs of development;

WHEREAS, the construction of the Proposed Development will be of significant economic benefit to the citizens of the County by providing new jobs in the commercial areas and housing opportunities in proximity to employment bases and will substantially augment the ad valorem tax base of the County, enhancing the quality of life.

NOW, THEREFORE, in consideration of the mutual terms, covenants and conditions contained herein, and other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, the parties hereby agree as follows:

1. The foregoing statements are true and correct and incorporated herein by reference as Findings of Fact.

2. Purpose, Conditions Precedent to Development. The purpose of this Development Agreement is as follows:

To authorize any owner of the Property to construct any portion or all of the Proposed Development at any time during the

term of this agreement subject to the following conditions ("Conditions Precedent"):

Prior to the generation of 620 external p.m. peak hour trips,

a. the 6-laning of Interstate 95 from the Duval County Line to the Georgia State Line shall be under construction or scheduled for construction within the first three years of the FDOT's Five Year Work Program. In the alternative, the Developer may at his option, conduct a traffic study to determine if the project significantly impacts I-95 which shall be deemed to mean contributes project traffic equal to five percent of the maximum adopted service volume. The study shall forecast the number of trips which would have to be generated by the Proposed Development cumulatively to meet this threshold ("First Threshold") and upon acceptance of the study by the county, development can proceed up to the First Threshold, and

b. the four laning of State Road 200/AIA from Callahan to Interstate 95 shall be under construction or scheduled for construction within the first three years of the FDOT's Five Year Work Program. In the alternative, the Developer may, at his option, conduct a traffic study to determine if State Road 200/AIA is operating at an acceptable level of service. The study shall forecast the number of trips which would have to be generated by the Proposed Development cumulatively to meet this threshold ("Second Threshold") and upon acceptance of the study by the county, development can proceed up to the Second Threshold.

Notwithstanding the foregoing, the parties acknowledge that (i) a zoning change will need to be approved for the Rayland Development prior to any development for that parcel and (ii) this Development Agreement does not convey any concurrency approvals for the Rayland Development or the Future Development. The PUD approval that is pending for the Proposed Development contemplates the following timing for its build out:

Phase I 1999-2003

450 single family units
15,000 square feet of neighborhood commercial

Phase II 2004-2009

100 single family units

105,000 square feet of neighborhood commercial

The amendment of the PUD ordinance for the Proposed Development from time to time, or approval to construct Future Development which does not increase the transportation impacts substantially beyond the First or Second Threshold with the limitations as set forth above shall not affect the validity or vary the terms of this agreement. In the event of any amendment to the PUD ordinance for the Proposed Development which substantially increases such transportation impacts above the First or Second Thresholds as set forth herein, then this agreement shall not be effective as to the additional units or square feet causing the increased impacts.

3. Partnership and Rayland Obligations and Consideration.

Partnership and Rayland hereby covenant and agree to the following commitments which are necessary to properly provide for impacts caused by the above referenced development:

(a) Partnership has conducted a traffic study of the transportation system in central Nassau County for the benefit of the County to determine available capacity and infrastructure needs for this area for the future.

(b) The Plummer's Creek wetlands system as mapped on the Future Land Use Map and as validated by the St. Johns River Water Management District shall be protected by establishing a buffer averaging fifty (50) feet in depth but no less than twenty five (25) feet in depth. Other jurisdictional wetlands on the Property

will be protected in accordance with the requirements of the St. Johns River Water Management District.

(c) Partnership and Rayland shall obtain all permits necessary to develop the Property and shall comply with all rules, regulations, laws, and other requirements governing development of the Property.

4. County Obligations.

(a) By executing this Development Agreement, the County hereby issues to Partnership, its heirs, successors or assigns, authority to take action to proceed with the construction of 550 single family units and 120,000 square feet of commercial space as Proposed Development on the Exhibit B Property contingent upon meeting the Conditions Precedent and receipt by Partnership, its heirs, successors or assigns of concurrency approval for water, sewer, and drainage.

This Agreement is made and granted pursuant to Nassau County Ordinance No. 99-05, as it may be amended from time to time, and Florida Statutes Section 163.3220-163.3243 and is effective through the tenth (10th) anniversary of the effective date of this Agreement, or within any applicable extension of this Agreement issued or agreed to by the County. Provided however, this Agreement should not be construed to and does not exempt Partnership or Rayland from any obligation to pay for impact fees imposed by the County.

(b) Except as provided herein, the County shall not impose any further conditions upon the use of capacity or vested

rights issued hereunder unless any such conditions are determined by the Board of County Commissioners of the County to be essential to protect the health, safety and welfare of the citizens of the County.

5. Extension of Agreement; Subsequent Changes to Concurrency Ordinance. The duration of this Agreement may be extended by the County after conducting a public hearing in the manner specified in Section 163.3225, Florida Statutes, as it may be amended from time to time. If the County modifies its land development regulations or any other regulation subsequent to the execution of this Agreement, no such modification shall be applied in a manner that operates to prevent development of the Property as would be permitted by this Agreement hereunder in its entirety under the County's land use regulations in effect as of the date of the execution of this Agreement. Further, nothing in this section shall be deemed to constitute a waiver of the applicant's right to contest application of any building code, zoning ordinance or other land development regulations as applied to this development under the State of Florida or United State Constitutions.

6. Necessity to Obtain Permits. The Partnership and Rayland hereby acknowledge their obligation to obtain all necessary local development permits which may be needed for development of the property. The failure of this Agreement to address any particular permit, condition, term, or restriction applicable to the development of the property shall not relieve the Partnership or Rayland or any successor or assigns of the necessity of complying

with federal, state, and local permitting requirements, conditions, terms, or restrictions as may be applicable.

7. Agreement Consistent with Comprehensive Plan and Florida Statutes 163.3180. The County hereby acknowledges and agrees that (i) the development contemplated by this Development Agreement is consistent with the County's Comprehensive Plan and Land Development Regulations and (ii) that the County's Comprehensive Plan is in compliance with the State of Florida Comprehensive Plan.

8. Remedies and Monitoring.

In order meet to the Conditions Precedent, Partnership agrees beginning on the twelve month anniversary of the effective date of this Agreement, and annually thereafter, to monitor the number of external p.m. peak hour trips generated by development of the Property and to project the number of trips to be generated over the next twelve month period. At such time as the monitoring report projects that either the First or Second Threshold of development will be met, construction shall cease until the Condition Precedent is met.

(a) If either the Partnership, Rayland, or County fail to carry out any of its covenants or obligations contained herein, either party shall be entitled to all remedies available at law or in equity, including the remedies of specific performance and all forms of injunctive relief.

(b) The Partnership and Rayland will secure the following permits ("the Permits"), if needed including but not limited to:

St. John's River Water Management District - Stormwater
Management Permit
Nassau County - Building Permit
Nassau County - Site work Permit
FDOT - Connection Permit
FDOT - Drainage Permit
Final Development Plans, Final Plats, and Construction
Plans for Phases as applicable
Nassau County Certificate of Concurrency for Water, Sewer and
Drainage

(c) The County may apply subsequently adopted regulations and policies to the Proposed Development only upon meeting the requirements of Section 163.3233 Florida Statutes (1997).

(d) Beginning one year after the Effective Date of this Agreement as defined in Paragraph 15 herein, the Partnership shall provide to the County a written and accurate status report acceptable to the County, which shall include all information necessary for the County to conduct its periodic review in compliance with the requirements of Section 163.3235, Florida Statutes and applicable rules. Said report shall include, but not be limited to, a description of the development activity during the preceding year and data sufficient to establish compliance with the terms and conditions of this Agreement. This report may contain the monitoring information set forth in Section 8 herein above.

(e) The Partnership will pay all costs related to providing notice and advertising this Agreement under Section 163.3225, Florida Statutes, and the cost of recording this Agreement.

(f) Within fourteen (14) days after the County executes this Development Agreement, the County shall record it with the Clerk of the Circuit Court. Within fourteen (14) days after this Development Agreement is recorded, the County shall submit a copy of it to the Florida Department of Community Affairs by certified mail, return receipt requested.

9. Binding Effect. The burdens of this Development Agreement shall be binding upon, and the benefits of this Agreement shall inure to, all successors in interest to the parties to this Agreement.

10. Applicable Law; Jurisdiction of Venue. This Development Agreement, and the rights and obligations of the County and the Partnership hereunder, shall be governed by, construed under, and enforced in accordance with the laws of the State of Florida. This Agreement may be enforced as provided in Section 163.3243, Florida Statutes. Venue for any litigation pertaining to the subject matter hereof shall be exclusively in Nassau County, Florida. If any provision of this Development Agreement, or the application thereof to any person or circumstances, shall to any extent be held invalid or unenforceable by a court of competent jurisdiction, then the remainder of this Development Agreement shall be valid and enforceable to the fullest extent permitted by law. The fact that this Development Agreement does not detail all laws, rules, regulations, permits, conditions, terms and restriction that must be satisfied to complete the development contemplated by this Agreement shall not relieve the Partnership or its successor in

interest of the obligation to comply with the law governing such permit requirements, conditions, terms and restrictions.

11. Joint Preparation. Preparation of this Development Agreement has been a joint effort of the parties and the resulting document shall not, solely as a matter of judicial construction, be construed more severely against one of the parties than the other.

12. Exhibits. All exhibits attached hereto contain additional terms of this Development Agreement and are incorporated herein by reference.

13. Captions or Paragraph Headings. Captions and paragraph headings contained in this Development Agreement are for convenience and reference only, and in no way define, describe, extend or limit the scope of intent of this Development Agreement, nor the intent of any provision hereof.

14. Counterparts. This Development Agreement may be executed in several counterparts, each constituting a duplicate original, but all such counterparts constituting one and the same Development Agreement.

15. Effective Date; Duration of Agreement. This Agreement shall become effective after it has been recorded in the public records of Nassau County and thirty (30) days after it is received by the Florida Department of Community Affairs (the "Effective Date"). This Development Agreement shall remain in effect until the earlier of the following dates: (i) the date on which the construction is complete on the Exhibit A Property or (ii) the tenth anniversary of the Effective Date, unless otherwise extended

or terminated as provided for herein or in the Act. This Development Agreement may be terminated by mutual consent of the parties. The maximum period of this Agreement shall be ten (10) years unless extended pursuant to Paragraph 5 as set forth above.

16. Amendment. This Development Agreement may be amended by mutual consent of the parties so long as the amendment meets the requirements of the Act.

17. Duration of Permits. Developer acknowledges that this Agreement does not extend the duration of any other permits or approvals.

18. Further Assurances. Each of the parties hereto agrees to do, execute, acknowledge and deliver, or cause to be done, executed, acknowledged and delivered, all such further acts, and assurances as shall be reasonably requested by the other party in order to carry out the intent of this Development Agreement and give effect thereto. Without in any manner limiting the specific rights and obligations set forth in this Development Agreement, the parties hereby declare their intention to cooperate with each other in effecting the terms of this Development Agreement, and to coordinate the performance of their respective obligations under the terms of this Development Agreement.

19. Notices. Any notices or reports required by this Development Agreement shall be sent to the following:

For the County:

Walt Gossett
County Coordinator
P. O. Box 1010
Fernandina Beach, Florida 32034

For the Partnership:

Susan C. McDonald, Attorney at Law
Rogers, Towers, Bailey, Jones & Gay
1301 Riverplace Boulevard, Suite 1500
Jacksonville, FL 32207

For Rayland:

Paul Sakalosky
Rayland Company, Inc.
P. O. Box 1188
Fernandina Beach, Florida 32035


20. Benefits to County. The County hereby acknowledges and agrees that this Agreement substantially benefits the County in carrying out its comprehensive plan objectives and its capital improvement planning program to provide certainty in planning and scheduling traffic improvements to serve not only the residents of these developments and those County residents utilizing the planned commercial development, but all the citizens of Nassau County.

Passed and Duly Adopted by the Board of County Commissioners of Nassau County, Florida, this 25th day of January, 1999.

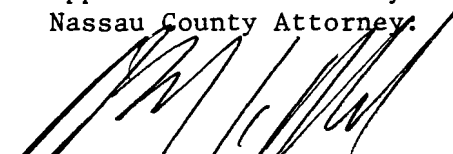
Attest: County Clerk

Board of County Commissioners
Nassau County, Florida


Clerk

By: 
Chairman

Approved as to form by the
Nassau County Attorney.


MICHAEL S. MULLIN

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have executed this Agreement on the day(s) and year set forth below.

Witness:

Joyce T. Bradley
Name: Joyce T. Bradley

Janet E. Conn
Name: Janet E. Conn

NASSAU PARTNERS, LTD.

By: [Signature]
Name: Timothy G. Shea
Its: General Partner

Date: February 1, 1999

Witness:

Joyce T. Bradley
Name: Joyce T. Bradley

Janet E. Conn
Name: Janet E. Conn

RAYLAND COMPANY, INC.

By: William J. Watson
Name: William J. Watson
Its: VICE PRESIDENT

Date: February 1, 1999

BOARD OF County COMMISSIONERS
NASSAU COUNTY

Witness:

Joan M. Gagnon
Name: Joan M. Gagnon

Joyce T. Bradley
Name: Joyce T. Bradley

By: J. H. Cooper
Name: J. H. Cooper
Its: Chairman

Date: February 2, 1999

STATE OF FLORIDA
COUNTY OF ST. JOHNS

The foregoing instrument is hereby acknowledged before me this 1st day of February, 1999, by Timothy G. Shea, as General Partner, on behalf of NASSAU PARTNERS, LTD.. He/she has produced FD # 5000-807-52-DBI-D as identification and (did/did not) take an oath.



JANET E. CONN
Notary Public, State of Florida
My comm. expires June 2, 2001
Comm. No. CC 651935

Janet E. Conn
NOTARY PUBLIC, State of Florida
Name: _____

My Commission Expires: _____
My Commission Number is: _____

STATE OF FLORIDA
COUNTY OF Nassau

The foregoing instrument is hereby acknowledged before me this 1st day of February, 1999, by William J. Watson, on behalf of RAYLAND COMPANY, INC. He/she has produced FLDL # W325-430-52-470as identification and (did/did not) take an oath.



JANET E. CONN
Notary Public, State of Florida
My comm. expires June 2, 2001
Comm. No. CC 651935

Janet E. Conn
NOTARY PUBLIC, State of Florida
Name: Janet E. Conn

My Commission Expires: _____
My Commission Number is: _____

STATE OF FLORIDA
COUNTY OF NASSAU

The foregoing instrument is hereby acknowledged before me this 2nd day of February, 1999, by G. N. Cooper, on behalf of the Board of County Commissioners of Nassau County. He/she has produced personally known as identification and (did/did not) take an oath.



MARGIE J. ARMSTRONG
Notary Public, State of Florida
My Comm. expires Nov. 5, 1999
Comm. No. CC 503215

Margie J. Armstrong
NOTARY PUBLIC, State of Florida
Name: Margie J. Armstrong

My Commission Expires: _____
My Commission Number is: _____



SURVEYORS
&
LAND PLANNERS

PRIVETT & ASSOCIATES, INC.
200 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

Telephone: 912/882-3738
Fax: 912/882-2729

May 26, 1998

LEGAL DESCRIPTION OF THE PLUMMERS CREEK PROJECT IN SECTIONS 11, 12, 13
AND 14, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA.

FOR: RAYLAND COMPANY, INC.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN SECTIONS 11, 12, 13 AND 14, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE EASTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) INTERSECTS THE CURVED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 200/A-1-A (A VARIABLE WIDTH RIGHT-OF-WAY AS MONUMENTED) AND RUN IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING NORTH 78°-20'-43" EAST, RUN THENCE NORTH 72°-19'-01" EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 200/A-1-A, A DISTANCE OF 972.07 FEET TO A ONE-HALF INCH IRON PIPE AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK FOR A POINT HEREAFTER CALLED POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 08°-11'-00" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID EDWARDS ROAD, A DISTANCE OF 890.87 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 4006.70 FEET, A CHORD DISTANCE OF 850.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 14°-16'-40" EAST; RUN THENCE SOUTH 20°-22'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 277.95 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 3859.75 FEET, A CHORD DISTANCE OF 965.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 13°-11'-20" EAST; RUN THENCE SOUTH 06°-00'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 2634.11 FEET TO A POINT; RUN THENCE SOUTH 06°-30'-20" EAST, CONTINUING

Page 1 of 2

ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1387.83 FEET TO A POINT ON A SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF RAYLAND COMPANY, INC. ACCORDING TO DEED RECORDED IN BOOK 579, PAGE 407 OF THE OFFICIAL RECORDS OF SAID COUNTY; RUN THENCE THE FOLLOWING FOUR (4) COURSES ALONG SAID SOUTHERLY LINE; NORTH 89°-28'-47" EAST, A DISTANCE OF 347.04 FEET TO A POINT; NORTH 88°-55'-34" EAST, A DISTANCE OF 415.56 FEET TO A POINT; NORTH 88°-51'-56" EAST, A DISTANCE OF 769.07 FEET TO A POINT; NORTH 88°-53'-14" EAST, A DISTANCE OF 523.40 FEET TO A POINT; RUN THENCE SOUTH 01°-20'-31" EAST, A DISTANCE OF 761.38 FEET TO A POINT ON THE NORTHERLY LINE OF NASSAU LANDING SUBDIVISION; RUN THENCE THE FOLLOWING THREE (3) COURSES ALONG LAST MENTIONED NORTHERLY LINE; SOUTH 73°-16'-31" EAST, A DISTANCE OF 1281.46 FEET TO A POINT; SOUTH 73°-14'-27" EAST, A DISTANCE OF 40.00 FEET TO A POINT; SOUTH 73°-14'-27" EAST, A DISTANCE OF 1054.65 FEET TO A POINT; RUN THENCE THE FOLLOWING EIGHT (8) COURSES NORTH 06°-58'-18" EAST, A DISTANCE OF 597.82 FEET TO A POINT; NORTH 69°-33'-54" EAST, A DISTANCE OF 269.44 FEET TO A POINT; SOUTH 01°-35'-10" EAST, A DISTANCE OF 285.21 FEET TO A POINT; NORTH 76°-32'-47" EAST, A DISTANCE OF 627.55 FEET TO A POINT; NORTH 38°-28'-33" WEST, A DISTANCE OF 305.90 FEET TO A POINT; NORTH 48°-03'-14" WEST, A DISTANCE OF 311.24 FEET TO A POINT; NORTH 13°-28'-05" EAST, A DISTANCE OF 812.21 FEET TO A POINT; SOUTH 83°-21'-44" EAST, A DISTANCE OF 325 FEET, MORE OR LESS, TO THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK THAT BEARS SOUTH 31°-29'-45" EAST, 8330.52 FEET FROM SAID POINT "A"; RUN THENCE GENERALLY IN A NORTHERLY DIRECTION ALONG THE MEANDERINGS OF THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK, A DISTANCE OF 14,475 FEET, MORE OR LESS TO SAID POINT "A"; RUN THENCE SOUTH 72°-19'-01" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO 200/A-1-A, A DISTANCE OF 972.07 FEET TO A POINT OF CURVATURE; RUN THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF BEGINNING, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 78°-20'-43" WEST.

LESS AND EXCEPT 48.59 ACRES IN THE SOUTHEAST QUADRANT OF THE ABOVE DESCRIBED LANDS

THE LAND THUS DESCRIBED CONTAINS 716 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.

Page 2 of 2

11-2N-26-0000-0001-0010

12-2N-26-0000-0001-0080

13-2N-26-0000-0002-0010

14-2N-26-0000-0001-0020

Parcel Identification Number (18 digit number)



SURVEYORS
&
LAND PLANNERS

Legal Description - Nassau Partners, Ltd.
PRIVETT & ASSOCIATES, INC.
200 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

~~ATTACHMENT C-2~~

Telephone: 912/882-3738
Fax: 912/882-2729

May 26, 1998

LEGAL DESCRIPTION OF THE PLUMMERS CREEK PROJECT IN SECTIONS 11, 12 AND 13, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA.

FOR: RAYLAND COMPANY, INC.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN SECTIONS 11, 12 AND 13, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE EASTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) INTERSECTS THE CURVED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 200/A-1-A (A VARIABLE WIDTH RIGHT-OF-WAY AS MONUMENTED) AND RUN IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CURVE BEING NORTH 78°-20'-43" EAST, RUN THENCE NORTH 72°-19'-01" EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 200/A-1-A, A DISTANCE OF 972.07 FEET TO A ONE-HALF INCH IRON PIPE AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK FOR A POINT HEREFTER CALLED POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 08°-11'-00" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID EDWARDS ROAD, A DISTANCE OF 890.87 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 4006.70 FEET, A CHORD DISTANCE OF 850.76 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 14°-16'-40" EAST; RUN THENCE SOUTH 20°-22'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 277.95 FEET TO A POINT OF CURVATURE; RUN THENCE IN A SOUTHERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID EASTERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE WESTERLY AND HAVING A RADIUS OF 3859.75 FEET, A CHORD DISTANCE OF 965.28 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 13°-11'-20" EAST; RUN THENCE SOUTH 06°-00'-20" EAST, CONTINUING ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 812.78 FEET TO A POINT; RUN THENCE SOUTH 90°-00'-00" EAST, A DISTANCE OF 2245.05 FEET TO A POINT; RUN THENCE

SOUTH 40°-00'-00" EAST, A DISTANCE OF 1340.06 FEET TO A POINT; RUN THENCE SOUTH 85°-00'-00" EAST, A DISTANCE OF 1072.69 FEET TO A POINT; RUN THENCE NORTH 20°-00'-00" WEST, A DISTANCE OF 956.13 FEET TO A POINT; RUN THENCE NORTH 15°-00'-00" EAST, A DISTANCE OF 966.30 FEET TO A ONE-HALF INCH IRON PIPE SET AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK THAT BEARS SOUTH 37°-31'-32" EAST, 4468.26 FEET FROM SAID POINT "A"; RUN THENCE GENERALLY IN A NORTHERLY DIRECTION ALONG THE MEANDERINGS OF THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK, A DISTANCE OF 7500 FEET, MORE OR LESS TO SAID POINT "A"; RUN THENCE SOUTH 72°-19'-01" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO 200/A-1-A, A DISTANCE OF 972.07 FEET TO A POINT OF CURVATURE; RUN THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF BEGINNING, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 78°-20'-43" WEST.

THE LAND THUS DESCRIBED CONTAINS 347.65 ACRES, MORE OR LESS AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.



PARK D. PRIVETT, JR.

REGISTERED SURVEYOR NO. 2841, FL

REF. DWG. NO. (B-3-358-5-98)

SEPTEMBER 21, 1998

LEGAL DESCRIPTION OF THE PLUMMERS CREEK PROJECT IN SECTIONS 11,12 AND 13, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA.

FOR: NASSAU PARTNERS, LTD.

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN SECTIONS 11, 12 AND 13, TOWNSHIP 2 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF BEGINNING COMMENCE AT THE POINT WHERE THE EASTERLY RIGHT-OF-WAY LINE OF EDWARDS ROAD (AN 80-FOOT RIGHT-OF-WAY AS NOW ESTABLISHED) INTERSECTS THE CURVED SOUTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 200/A-1-A (A VARIABLE WIDTH RIGHT-OF-WAY AS MONUMENTED) AND RUN IN AN EASTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF TANGENCY OF SAID CURVE, THE BEARING OF THE AFOREMENTIONED CHORD BEING NORTH 78°-20'-43" EAST, RUN THENCE NORTH 72°-19'-01" EAST, CONTINUING ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 200/A-1-A, A DISTANCE OF 972.07 FEET TO A ONE-HALF INCH IRON PIPE AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK FOR A POINT HEREAFTER CALLED POINT "A"; THENCE RETURN TO THE POINT OF BEGINNING AND RUN SOUTH 08°-11'-00" EAST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF SAID EDWARDS ROAD, A DISTANCE OF 292.53 FEET TO A POINT; RUN THENCE NORTH 81°-49'-00" EAST, PERPENDICULAR TO LAST MENTIONED RIGHT-OF-WAY LINE, A DISTANCE OF 351.96 FEET TO A POINT; RUN THENCE SOUTH 13°-00'-00" EAST, A DISTANCE OF 1420.00 FEET TO A POINT; RUN THENCE SOUTH 24°-00'-00" EAST, A DISTANCE OF 1080.00 FEET TO A POINT; RUN THENCE SOUTH 12°-00'-00" EAST, A DISTANCE OF 1130.00 FEET TO A POINT ON THE SOUTHERLY LINE OF LANDS NOW OR FORMERLY OF NASSAU PARTNERS LTD ACCORDING TO DEED RECORDED IN BOOK 839, PAGE 767 OF THE OFFICIAL RECORDS OF SAID COUNTY; RUN THENCE SOUTH 90°-00'-00" EAST ALONG LAST MENTIONED SOUTHERLY LINE, A DISTANCE OF 1600.05 FEET TO A POINT; RUN THENCE SOUTH 40°-00'-00" EAST ALONG THE SOUTHWESTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 1340.06 FEET TO A POINT; RUN THENCE SOUTH 85°-00'-00" EAST ALONG THE SOUTHERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 1072.69 FEET TO A POINT; RUN THENCE NORTH 20°-00'-00" WEST ALONG THE EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 956.13 FEET TO A POINT; RUN THENCE NORTH 15°-00'-00" EAST ALONG THE EASTERLY LINE OF LAST MENTIONED LANDS, A DISTANCE OF 966.30 FEET TO A ONE-HALF INCH IRON PIPE AT THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK THAT BEARS SOUTH 37°-31'-32" EAST, 4468.26 FEET FROM SAID POINT "A"; RUN THENCE GENERALLY IN A NORTHERLY DIRECTION ALONG THE MEANDERINGS OF THE WESTERLY MEAN HIGH WATER LINE OF PLUMMERS CREEK, A DISTANCE OF 7500 FEET, MORE OR LESS, TO SAID POINT "A"; RUN THENCE SOUTH 72°-19'-01" WEST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO 200/A-1-A, A DISTANCE OF 972.07 FEET TO A POINT OF CURVATURE; RUN THENCE IN A WESTERLY DIRECTION ALONG THE ARC OF A CURVE IN SAID SOUTHERLY RIGHT-OF-WAY LINE, SAID CURVE BEING CONCAVE NORTHERLY AND HAVING A RADIUS OF 5779.58 FEET, A CHORD DISTANCE OF 1213.96 FEET TO THE POINT OF BEGINNING, THE BEARING OF THE AFOREMENTIONED CHORD BEING SOUTH 78°-20'-43" WEST.

THE LAND THUS DESCRIBED CONTAINS 309.91 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY EASEMENTS OF RECORD LYING WITHIN.

PARK D. PRIVETT, JR.
REGISTERED SURVEYOR NO. 2841, FL

REF. DWG. NO. (B-3-358(A)-9-98)

DWN. BY: JTH PREPARED BY: CKD. BY: PJ

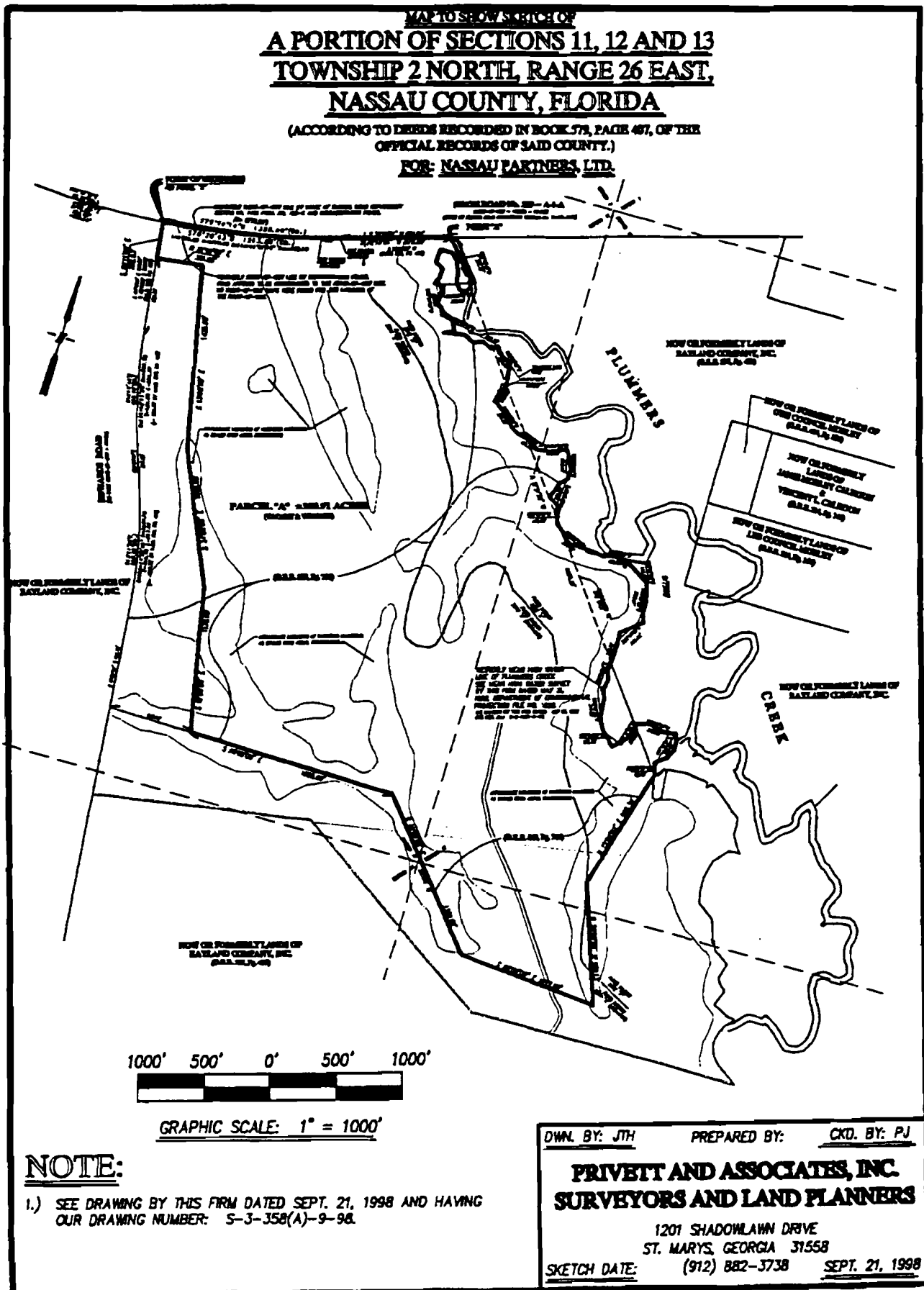
PRIVETT AND ASSOCIATES, INC.
SURVEYORS AND LAND PLANNERS

1201 SHADOWLAWN DRIVE
ST. MARYS, GEORGIA 31558

SKETCH DATE: (912) 882-3738 SEPT. 21, 1998

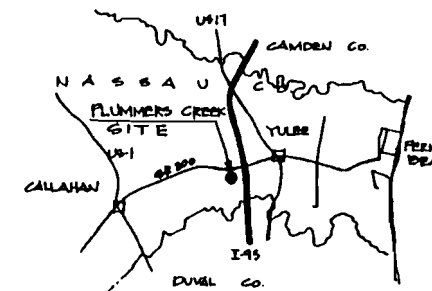
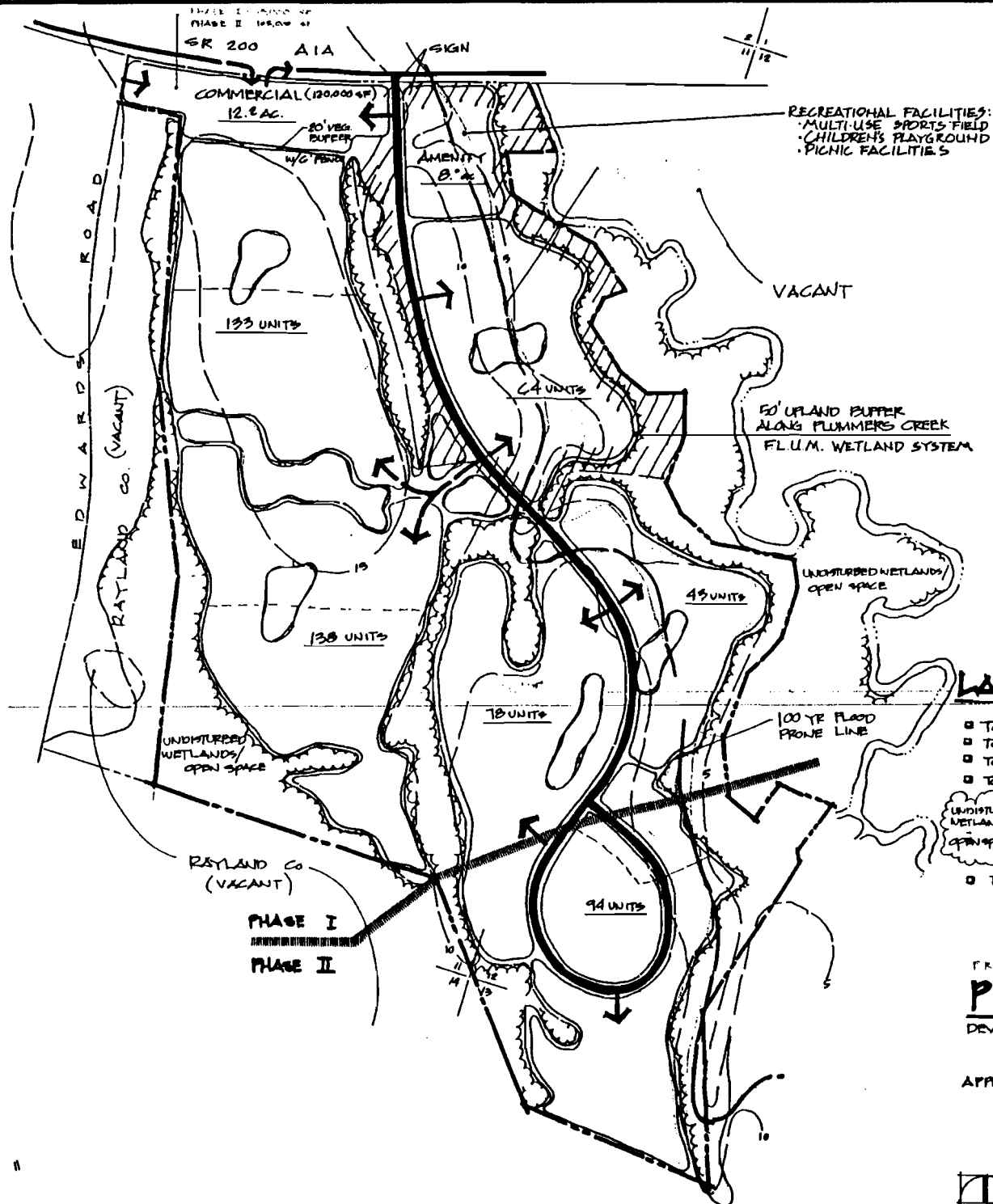
Ex C log 3

PLUMMERS CREEK
PUD Rezoning



Ex. C

PLUMMERS CREEK
PUD Rezoning



LOCATION MAP

LAND USE DATA

□ TOTAL LAND AREA	309.91 AC.
□ TOTAL HOME SITES	550
□ TOTAL OPEN SPACE REQ.	62.2 AC (20%)
□ TOTAL OPEN SPACE PROVIDED	65.2 AC
• ACTIVE AMENITY	8.2 AC
• WETLAND PRESERVE (14)	37.0 AC
• STORMWATER LAKES	20.0 AC
□ TOTAL NON-RESIDENTIAL	
• COMMERCIAL - 100,000 SF	12.2 AC

PRELIMINARY DEVELOPMENT PLAN

PLIMMERS CREEK

DEVELOPER: NASSAU PARTNERS LTD.
TIMOTHY G. GHEA

APPLICANT:

NASSAU PARTNERS LTD.

NORTH
9/20/94/9-22-98
REVISED 11-9-98

Nassau County response to the Department of Community Affairs, Objections, Recommendations and Comments Report, for Nassau County Proposed Amendment 98-1.

Proposed Future Land Use Map (FLUM) Amendment CPA-98-003

Background: This amendment proposes to change the Future Land Use Map designation on 716 acres from Agricultural (1 dwelling unit/20 acres) to Low Density Residential (2 dwelling units/acre).

I. Consistency with Rule 9J-5, Florida Administrative Code, (F.A.C.) and Chapter 163, Florida Statutes (F.S.)

A. Objection: The County Comprehensive Plan indicates the County has approximately four times as much land designated Low Density Residential as it needs. The proposed amendment is not supported by adequate data and analysis demonstrating that the County requires additional Low Density Residential acreage to accommodate the projected population during the long-range planning period and would not further the Plan's being based on adequate and appropriate data and analysis.

Also, because the amendment is not supported by this data and analysis, it has not been demonstrated that the amendment is consistent with Comprehensive Plan Goal 1.0, to manage future growth by designating areas for anticipated future development in a cost-efficient manner.

Rules 9J-5.005(2) and (5), 9J-5.006(2) and (4), F.A.C.

Sections 163.3177(2) 163.3177(6)(a) and 163.3177(8), F.S.

Recommendation: Do not adopt the proposed amendment.

Response:

The Future Land Use Map designates the subject property as Agricultural, which allows residential development at 1 dwelling unit per twenty acres. The applicant requests a change to Low Density Residential, which allows 1 dwelling unit per half acre. An existing area with Low Density Residential designation is very close to the subject site on the east side of Plummers Creek. Historically, residential development has occurred at lower density than designated on the FLUM. The majority of the existing Low Density Residential areas have been developed between Callahan and Amelia Island. There are relatively few existing undeveloped Low Density parcels comparable to the size of the subject parcel. The requested change would provide an expanded market for Low Density Residential development. Development of the property would require rezoning to PUD following approval of the FLUM amendment. This proposed change is consistent with the Comprehensive Plan.

One of the requirements of the Evaluation and Appraisal Report sufficiency was for the County to "identify the current amount of vacant land within each planning district, by future land use category available to accommodate the projected population through the current planning time frame of the comprehensive plan (2005)." Nassau County will identify the planning time frame which will be used at the time of the EAR based comprehensive plan amendments and assess the land needed to accommodate the projected population within each planning district by future land use category for the anticipated planning time frame.

B. Objection: The proposed amendment would amend the County Comprehensive Plan in such a manner that it fails to discourage urban sprawl. Particularly, the amendment.

- designation substantial areas for low density development in excess of demonstrated need
- promotes urban development in rural areas remote from other existing urban areas
- promotes urban development in strip patterns along roads leading from urban areas

Response:

The proposed amendment contributes towards the concept of mixed nodal development. There is residential development on the east and southwest of this site. This proposed amendment would complement existing and future commercial activity at the Interstate-95 interchange. This proposed development would comprise growth within an established urban development area. The costs associated with providing public facilities and services would be borne by those receiving direct benefit.

The Northeast Florida Future land Use Map for the year 2010 prepared by the Northeast Florida Regional Planning Council identified the two (2) residential communities adjacent to this site as predominately urban. The proposed amendment would also have this "Urban Designation" according to classifications assigned by the Northeast Florida Regional Planning Council.

This proposed amendment could be recognized as in-fill development taking into consideration the adjacent residential development identified as low density residential 2 d.u./acre on the County's Future Land Use Map.

Growth trends, substantial, imminent road improvements and the availability of public facilities are key factors enhancing this node.

An assessment has been made of this proposed amendment relative to impacts to public facilities. It was found that adequate capacities do exist to accommodate this demand, in terms of road improvements, public facilities, drainage, education, parks and health facilities.

The development agreement will require that concurrent levels of service be maintained by ensuring there are adequate capital facilities for this phased development.

C. Objection: The proposed amendment is not consistent with the Goals, Objectives and Policies of the Nassau County Comprehensive Plan concerning urban sprawl including the following:

- 1.0; regarding designating areas for future development in a cost efficient manner,
- 1.2: regarding locating future land uses where they appear most compatible with surrounding land uses, and
- 1.02.05; regarding conversion of agricultural lands to non-agricultural uses.

Rules 9J-5.005(5) and 9J-5.006(4) and (5) F.A.C.

Sections 163.3177(2) and (6)(a), F.S.

Recommendations: Do not adopt the proposed amendment.

Response:

The parcel proposed for FLUM amendment is located adjacent to the Interstate 95 and State Road 200 commercial node. This development would be developed in a cost efficient manner, in that public facilities and services are available, costs would be borne by those receiving direct benefit. The developers have agreed to limit its development to construction resulting in only those impacts which can be handled by presently existing roadway links without causing levels of service to fall below the adopted LOS on SR 200 or US 17. This amendment would be compatible with other residential developments in the area, to east and southwest. The FLUM designates these two (2) low density residential as 2d.u./acre.

D. Objection: The proposed amendment is not supported by appropriate data and analysis demonstrating the County's ability, during both the 5 year and the adopted long-range planning periods, to maintain the adopted Level of Service Standard in order to accommodate the needs of existing, committed and future land uses, including the additional impacts of the proposed amendment, on Florida Intrastate Highway System facilities.

To the contrary, data submitted or available indicates that improvements needed to accommodate the existing, committed and future land uses, including the impacts of this amendment, on State Route 200 and I-95 are not programmed during the 5 year or long range planning periods and are not included on the County's Future Traffic Circulation Map or in a financially feasible Capital Improvements Element. Thus, the proposed amendment would cause the Future Land use Element not to be coordinated with the Traffic Circulation Element and would not further the Future Land Use Element's being based upon adequate data and analysis demonstrating the availability of adequate transportation facilities.

Because an adequate transportation availability analysis has not been provided, it also has not been demonstrated that the proposed amendment is consistent with the following Comprehensive Plan objectives and policies and further, based on data submitted and available, the amendment would be inconsistent with the same.

Objective 1.01 and Policy 1.01.04: "Require that consideration of amendments to the Future Land Use Map address issues pertaining to the availability of supporting infrastructure in accordance with Chapter 9J-5.05592)(a), (b) and ©, F.A.C."

Objective 2.02: The County shall develop, construct and maintain a major roadway network which is consistent with the existing and future land use patterns.

Objective 2.06: The County will coordinate transportation activities with other agencies having planning responsibilities for highways.

Policy 2.06.01: Transportation activities will be accomplished by the minimum standards of the Florida Department of Transportation.

Goal 9.0: The County shall ensure the orderly and efficient provision of all public facilities necessary to serve existing and future local population needs.

Policy 9.01.05: Include all facility needs identified in the Traffic Circulation Element.

Policy 9.01.06: Estimate future funds available for public facility debt service.

Policy 9.02.01: The County shall ensure the adopted LOS standards are provided for new development within the planning period.

Specifically, the analysis of the availability of transportation facilities does not accurately and completely address the factors listed below:

- (a) Identification of all impacted roads:
- (b) Identification of the adopted level of service (LOS) standard for all impacted roads;
- © Projected operating conditions (for the five-year and adopted long-range planning period) of all impacted roadways (including backlogged and constrained facilities) based, not on FDOT projections or assumed growth rates but, on traffic generated by existing development, approved but unbuilt development, and all future (i.e. not yet approved) land uses as depicted on the FLUM at the maximum permitted density and intensity,
- (d) The projected LOS, based on the analysis in © above, on all affected road, including backlogged and constrained roads, for the 5 year and adopted long-range (year 2005) planning period as established in the Comprehensive Plan;
- (e) The additional trips, due to the change in land use, generated by the most intense level of development, including commercial, allowed by the proposed land use category relative to the most intense level of development allowed for the current land use category;
- (f) The impact of the additional trips upon the projected LOS standards on all affected roads for the adopted short and long-range planning periods – the cumulative 3% de minimus impacts allowed having already been consumed by existing and committed development and not being applicable to hurricane evacuation routes;
- (g) Identification of current and projected LOS standard deficiencies and the improvements needed to maintain adopted LOS standards on all affected roads, including backlogged and constrained roads, in order to accommodate all existing committed and future land uses as shown on the FLUM, plus the proposed amendment, within the long range planning time frame;
- (h) Coordination of the proposed amendment with the construction plans of other entities which have regulatory or financial responsibility for the impacted roads, especially including accurate completion dates of proposed improvements to SR 200 and I-95;
- (i) The needed improvements' costs and the ability (including reliance upon other agencies' ability) of the local government to fund these improvements within the long range planning time-frame; and
- (j) Amendments to the Traffic Circulation Element, Future Transportation Map and, if needed, the 5-Year Capital Improvements Schedule, to include any needed improvements.

Rules (j)-5.005(2) through (5), 9J-5.0055, 9J-5.006(2) and (4) 9J-5.016(1), (2) and (4), F.A.C.

Sections 163.3177(2), (3), (6)(a) and (b) and (8) and 163.3180, F.S.

Recommendation: Do not adopt the proposed amendment.

Response:

Commitments made by the County as part of the EAR sufficiency shall address among other issues, future growth and development within the Yulee Planning District, particularly the State Road A1A corridor and the consequent need for supporting services and facilities with adopted levels of service standards. The County will create an inventory of future land use designations in the Yulee area. Based on land use assessments the County will assess the need for supporting transportation infrastructure.

The proposed development is subject to the following transportation roadway improvement conditions as part of a development agreement. This agreement shall stipulate phased development as per the following.

- Prior to the generation of 620 external p.m. peak hour trips:

- a. the 6-laning of Interstate 95 from the Duval County Line to the Georgia State Line shall be under construction or scheduled for construction within the first three years of the FDOT's Five Year Work Program. In the alternative, the Developer may at his option, conduct a traffic study to determine if the project significantly impacts I-95 which shall be deemed to mean contributes project traffic equal to five percent of the maximum adopted service volume. The study shall forecast the number of trips which would have to be generated by the Proposed Development cumulatively to meet this threshold ("First Threshold") and upon acceptance of the study by the county, development can proceed up to the First Threshold, and
- b. The four laning of State Road 200 A1A from Callahan to Interstate 95 shall be under construction or scheduled for construction within the first three years of the FDOT's Five year Work Program. In the alternative, the Developer may at his option, conduct a traffic study to determine if State Road 200/A1A is operating at an acceptable level of service. The study shall forecast the number of trips which would have to be generated by the Proposed Development cumulatively to meet this threshold ("Second Threshold") and upon acceptance of the study by the County, development can proceed up to the Second Threshold.

This proposed development consists of two (2) phases.

Phase I 1999 - 2003

450 single family units

15,000 square feet of neighborhood commercial

Phase II 2004 - 2009

100 single family units

105,000 square feet of neighborhood commercial

Staff has reviewed the impacts of this development, Phase I can be developed with no negative impact to the immediate road network.

By the time Phase II is scheduled it is anticipated that overall improvements to SR 200/A1A will have been in place.

E. Objection: The portion of the Future Land use Map submitted to support the proposal indicates that the amendment site includes both an Agriculture category and two types of Conservation categories; however, the text of the amendment proposal addresses amending only the Agricultural category. Thus, the boundaries of the amendment site either are not clearly depicted or are not consistent with the text concerning the amendment proposal and concerning the amendment's impacts.

Also, the applicant's data concerning the environmental characteristics of the site describes 800 acres of Section 12, Township 2 North, Range 26 East, but does not include data and analysis concerning the remaining sections of the subject 716 acre site. The County's analysis carries this inconsistency forward. Thus, the data submitted is inaccurate and does not clearly support the amendment proposal because it appears to describe lands not included in the site and does not describe all lands which are included in the site.

In addition, the applicant's data describes a large amount of hydric and high-water table soils as being included in the site. This data (which as noted above may not be entirely correct) is not supportive of a finding that the character of the site is suitable for the proposed Low Density Residential designation. Data and analysis has not been submitted supporting that this site, if it contains such soils, would be suitable for Low Density Residential development. The data submitted does indicate that development would be consistent with agency stormwater permits, however, those permits would allow water table drawdown which could affect wetland hydroperiods and functions, possibly in a manner inconsistent with the Plan.

Because accurate data and analysis describing the environment character of the site and describing the amendment's extent has not been included, it has not been demonstrated that the amendment would be consistent with the following Comprehensive Plan objective and policies.

1.01: The County will correlate future land uses with appropriate environmental conditions,

1.04A.02: The County shall restrict development in conservation areas to the maximum extent possible shorts of a taking.

6.02 The County shall protect ecological systems which are sensitive to development impacts and which provide important natural functions, and

6.02.08: The natural functions and hydroperiods of wetlands shall be maintained.

Rules 9J-5.00592) and (5), 9J-5.006(1), (2) and (4) and 9J-5.013(1) and (3), F.A.C.

Sections 163.3177(2), 163.3177(6)9a) and (d), and 163.3177(8), F.S.

Recommendation: Do not adopt the proposed amendment.

Response:

The applicant has agreed to a twenty-five (25) foot buffer to any jurisdictional wetland line, except jurisdictional land which lies within the Future Land use Map (FLUM) Conservation overlay, shall have a buffer of at least fifty (50) feet. For jurisdictional wetlands within the conservation overlay on the FLUM, the buffer shall average 50 feet, but shall not be less than 25 feet. This restriction is taken from Policy 6.02.03 found within the conservation element of the Comprehensive Plan, where upon "a 50 foot buffer of natural vegetation native to the site shall be provided where wetlands occur". No development shall be allowed within the buffers, which shall remain in their natural state. The wetlands system was mapped on the FLUM and validated by the St. Johns River Water Management District.

II. Consistency with the Northeast Florida Strategic Regional Policy Plan

A. Objection: The proposed amendment is inconsistent with the following policies of the Northeast Florida Regional Planning Council Strategic Regional Policy Plan:

Policies 4.1.5, 4.3.1 and 4.3.5: maintain Natural Resources of Regional Significance, and

Policies 5.2.1: restrict development which degrades the level of service on regional facilities.

B. Recommendation: Do not adopt the proposed amendment.

Response:

Policies 4.1.5, 4.3.1 and 4.3.5:

Maintain Natural Resources of Regional Significance.

The Fifty (50) foot buffer from jurisdictional wetlands is required by the Conservation Element of the Comprehensive Plan. The County's required buffer is more stringent than the twenty five (25) foot buffer required by the St. Johns River Water Management would contribute toward protecting the Plummer Creek Wetlands.

Policy 5.2.1: Restrict development which degrades the level of service on regional facilities.

The applicant has submitted a traffic analysis as part of the application. However, a full traffic study was not included. Impact on existing levels of service in the short term on SR 200/A1A would depend on the DOT schedule for widening from 2 lanes to 4 lanes (the exact year is not confirmed at this time.) The applicant has projected trips resulting from the development for the years 2003 and 2008. In the year 2003, there would be 6,341 additional trips on SR 200/A1A. Without widening, the levels of service would fall below the minimum allowable LOS of C. In the year 2008, it is more certain that DOT would have completed the widening, and the LOS would be within an acceptable range. The project at build-out in 2008 would generate 11,998 trips per day.

There should be no degradation to the level of service on these regional facilities.

III. Consistency with the State Comprehensive Plan

A. Objection: The proposed amendment is inconsistent with the following goals and policies of the State Comprehensive Plan:

187.201(6)(b)1. And (6)(b)2.a.,b., and c., F.S., concerning activities which affect public health.

187.201(8)(a)and(8)(b)2.,4.,5.,9.,10.,F.S., concerning protecting groundwater quality.

187.201(10)(a)and(10)(b)1. Though 7., and 10., F.S., concerning protecting natural resources and their functions and promoting agriculture compatible with wildlife and natural systems.

187.201(12)(a)and (12)(b)3., F.S., concerning efficiency of traffic flow on existing roads.

187.201(16)(a)and (16)(b)1.,2.,and 6., F.S., consider impact on water and the availability of land and facilities to meet demands; provide rural/urban separation, protect water and wildlife.

187.201(18)(a)and(18)(b)1.,5.,7., and 9., F.S., protect maximize and plan facilities in orderly and efficient manner, encourage local government self-sufficiency in providing facilities.

187.201(20)(a) and (20)(b)3., and 9., F.S., coordinate local and state transportation plans.

187.201(22)(a) and (22)(b), F.S., concerning local governments providing required services economically.

187.201(22)(a) and (22)(b)3., F.S., concerning maintaining clean air, water, forests, and agricultural and natural resources as one of the State's primary economic assets,

187.201(26)(a) and (26)(b)2. And 7., F.S., integrate systematic capabilities into all levels of government and ensure local plans implement State goals and address regional issues.

B. Recommendation: Do not adopt the proposed amendment.

Response:

187.201(6)(b)1. And (6)(b)2.a.,b., and c., F.S., concerning activities which affect public health.

This amendment to the Comprehensive Plan should not endanger the public health. Governmental agencies who monitor water, air quality and food and other kindred activities would ensure adherence to their respective regulations/ordinances and laws.

187.201(8)(a) and (8)(b) 2.,4.,5.,9.,10.,F.S., concerning protecting groundwater quality.

Potable water and sanitary sewer are available to this area affected by this amendment. This is consistent with the County's comprehensive plan addressing conservation of potable water resources and with the Conservation Element to allow future development with the condition that the infrastructure (water supply capacity and facilities) be available concurrent with impacts.

187.201(10)(a)and (10)(b)1 through 7 and 10., F.S., concerning protecting natural resources and their functions promoting agricultural compatible with wildlife and natural systems.

The fifty (50) foot buffer from jurisdictional wetlands is required by the Conservation Element of the Comprehensive Plan. The County's required buffer is more stringent than the twenty (20) foot buffer required by the St. Johns River Water Management District. This requirement would contribute toward protecting the Plummer Creek Wetlands.

187.201(12)(a) and (12)(b)3., F.S., concerning efficiency of traffic flow on existing roads.

The applicant has submitted a traffic analysis as part of the application. However, a full traffic study was not included. Impact on existing levels of service in the short term on SR 200/A1A would depend on the DOT schedule for widening from 2 lanes to 4 lanes (the exact year is not confirmed at this time). The applicant has projected trips resulting from the development for the years 2003 and 2008. In the year 2003, there would be 6,341 additional trips on SR 200/A1A. Without widening, the levels of service would fall below the minimum allowable LOS of C. In the year 2008, it is more certain that DOT would have completed the widening, and the LOS would be within an acceptable range. The project at build-out in 2008 would generate 11,998 trips per day.

187.201(16)(a) and (16)(b),1.,2., and 6., F.S., consider impact on water and the availability of land and facilities to meet demands; provide rural/urban separation, protect water and wildlife.

The applicant states public utilities will be available to serve the subject site, provided by United Water Florida, contingent upon approval of franchise authority by the Florida Public Service Commission.

187.201(18)(a) and (18)(b) 1., 5., 7., and 9., F.S., protect, maximize and plan facilities in orderly, and efficient manner, encourage local government self-sufficiency in providing facilities.

The applicant state public utilities will be available to serve the subject site, provided by United Water Florida, Incorporated, contingent upon approval of franchise authority by the Florida-Public Service Commission.

187.201(20)(a) and 920(b) 3., and 9., F.S., coordinate local and state transportation plans.

Refer to response under 187.201912(a) and (12)(b) 3., F.S.

187.201(21)(a), F.S., concerning local governments providing required services economically.

Local Government would not provide services to this area, except for schools and solid waste collection.

187.201(22)(a) and 922(b) 3., F.S., concerning maintaining clean air, water, forests and agricultural and natural resources as one of the State's primary economic assets.

Under the Conservation Element to the County Comprehensive Plan a fifty (50) foot buffer from jurisdictional wetlands is required.

187.201926(a) and (26)(b)2., and 7., F.S., integrate systematic planning capabilities into all levels of government and ensure local plans implement state goals and address regional issues.

Nassau County is in the process of adopting its Land Development Regulations. The Concurrency Management Ordinance is currently undergoing public hearings.

G;pz/plnbd/djcobj

SYNOPSIS OF RESOLUTION NO. 98-149

On October 20, 1998, the Florida Department of Community Affairs found the Nassau County Evaluation and Appraisal Report consistent with the requirements of Subsection 163.3191 (9), Florida Statutes and therefore sufficient.

As an integral part of this approval, Nassau County must amend its Comprehensive Plan to implement the Evaluation and Appraisal Report issues within eighteen (18) months of its sufficiency.

Among some of these issues to be addressed and integrated into the Comprehensive Plan amendments are:

- Direct incompatible land uses away from wetlands
- Major issues surrounding future growth and development within the Yulee Planning District, particularly with regard to the State Road A1A corridor, and the consequent need for supporting services and facilities consistent with adopted levels of service standards.

Additionally, Nassau County will identify the current amount of vacant land within each planning district by future land use category available to accommodate the projected population through the year 2005, and henceforth maintain at least an overall ten (10) year planning time frame. The County will perform an assessment and evaluation of the land uses and development patterns in the Yulee Planning District with particular focus on the SR A1A corridor.

JANUARY 1999

Requested Changes to the Transmittal Approval

Following preparation of the requested amendment to the Nassau County Future Land Use Map and based upon the review of the amendment request by the County, DCA and the applicants, the following changes to the application are respectfully requested.

1. Replace Attachment K, Project Narrative, as revised and attached.
2. Replace the Following Map Exhibits for Correction of Boundaries:
 - Attachment D-2 – General Location Map 2
 - Attachment D-3 – General Location Map – Future Land Use Map
 - Attachment F – Aerial Photograph
 - Attachment S – Existing Zoning

These maps were prepared as the owners were negotiating the location of the mean high water line along Plummer Creek. The final line was agreed to and corrected surveys and legal descriptions were received after the application was filed.

Response to Objections, Recommendations and Comments Report

On June 5, 1998, an application for a Land Use Map Amendment for property lying in the southeast corner of the intersection of SR-A1A and Edwards Road. On July 13, 1998, the Board of County Commissioners adopted the requested amendment for transmittal, and, on July 15, 1998, transmitted notice of that action to the Florida Department of Community Affairs (DCA) with a request for a full review. On September 25, 1998, DCA forwarded its Objections, Recommendations and Comments (ORC) Report to the County. The County is required to respond to the ORC within 60 days of receipt by adopting, adopting with changes or not adopting the requested amendment. The Planning Board and County Commission hearings on the requested amendment were properly advertised and commenced within the 60 day period. The hearings have been continued during the interim period. An adoption action should include a full response to the issues raised in the ORC.

The following is a full response that provides further "data and analysis" as requested in the ORC. The format of this response provides the full ORC in reduced size vertical type with a response following each section in *Italics*.

General Response: *First, prior to the County's receipt of the ORC, the County and DCA have negotiated a formal resolution to DCA's earlier finding that the County's EAR was not sufficient. The agreement commits the County to accomplish its EAR-based amendments within eighteen months. The agreement, among other things, specifically requires the County to:*

- 1. Prepare a more detailed plan of the Yulee Planning District;*
- 2. Revise the land use pattern to more appropriately accommodate the forecast population growth;*
- 3. Establish a concurrency management program; and*
- 4. Expand the horizon year of the plan.*

The following section is a general justification for the development application.

Development Agreement and Planned Unit Development. *Based upon specific concerns expressed by County staff and contained in DCA's ORC, the Applicants have requested the use of and worked with County staff to draft a **Development Agreement** (DA) as enable by Chapter 163, Florida Statutes. The DA provides for specific maximum limits on the level of traffic that can be developed in the project until specific improvements are scheduled and funded on SR-200/A1A and I-95. The DA provides certainty to both Nassau County and DCA that the requested development will not create negative impacts on these roadways. Nassau Partners has also filed a Planned Unit Development (PUD) zoning application for the northern portion of the property. The PUD further specifies the density of residential development, the provision of supporting commercial and recreation uses, and the protection*

of wetland areas. Thus the DA and the PUD provide the County with far more detailed assurances than can be provided in a FLUM amendment alone.

Overallocation. In its review in this case as well as in numerous other cases across the State, DCA has consistently assumed that all of the land in each residential land use category will be developed at the maximum density allowable under the provision of that district. Thus, on paper it appears that Nassau County has an over-allocation of residential land, and particularly low-density residential. However, analyses of prior development indicates that actual development is occurring at densities well below the maximum levels that DCA assumes. Moreover, when growth trends are considered for individual planning districts, Yulee is the next logical location for growth. As the Comprehensive Plan says, "with the widening of A1A to a 4-lane divided highway by Florida DOT between I-95 and Callahan in the next few years, the character of this area could change dramatically." Actual development patterns since adoption of the FLUM also indicate that development is occurring much more rapidly in the Yulee/A1A corridor than in the western part of the county where the FLUM contains significant amounts of low density residential land. Thus, the distribution of land uses on the current FLUM is not reflective of the actual development patterns.

In the Yulee area, development activity that has occurred since adoption of the current plan has been scaled down considerably from what is allowed. The population accommodation of the FLUM is overstated because of:

1. The real market demand is for lower density housing than that provided on the FLUM;
2. The presence of significant wetland and other natural restraints that reduce available land; and
3. The use of land for major roadways, community facilities and utilities, recreational facilities; a 20% open space requirement; and the objectives expressed in the PUD provisions for the achievement of mixed-use developments.

Market demands. In addition to the demand that is apparent in the Yulle Planning District, statistics from the EDEN group, discussed later in this response, show that the long-neglected northside of Jacksonville is finally coming into its own – the current employee base of around 14,000 will grow to over 40,000 in the year 2020. Each year an estimated new 2,500 employees compete for a scant 400 new homes in northside Jacksonville, an area just minutes away from the Plummers Creek site.

Growth node. The site is within walking distance of a major transportation corridor interchange, that of I-95 and A1A. An outlet mall has been approved for one corner of this intersection, and the thousands of employees in Nassau County and North Jacksonville can reach their homes more quickly. The Comprehensive Plan policy pertaining to a commercial nodal development at the A1A / I-95 interchange is being realized. The growing demand for homes in the western end of the Yulee planning area and in support of this interchange node is being met in part by the proposed development.

Creek as arbitrary line. The applicant and County agree that growth in the Yulee Planning District should occur around two commercial nodes, one of which centers around the very significant I-95 / A-1A commercial interchange. The site is adjacent to long-existing single family neighborhoods, on both sides of Plummers Creek. Development of single-family neighborhoods, with supporting commercial development, on this site is a rational expansion of existing development. In fact since the site is within a water and sewer service district and will soon be served by a utility that offers central water and sewer, this development is in fact more of an infill project. While DCA may want to treat Plummers Creek as a growth boundary, it makes no sense to stop development at a creek when existing neighborhoods face each other across that same creek, and both sides are served by improved or improving roads and utilities.

Practical and Legislative justification. Furthermore, close proximity to a major Interstate interchange gives Plummers Creek residents the opportunity to drive fifteen minutes to work at Jacksonville International Airport, the Tradeport, Jacksonville Port, Nassau County School Board, FCCJ (community college) – Nassau Branch, Nassau County Jail, Woodwings Industrial Park, etc.. Thousands of employees of these concerns must now drive forty-five minutes or more to Mandarin, the Beaches, Fernandina Beach, or (affordable) Georgia. These commuters, with a wide range of incomes between \$40,000 and over \$100,000 would now have the opportunity to drive a few minutes to enjoy their homes and the natural beauty of the Plummers Creek, Nassau Landing, and Johnson Lake neighborhoods. These commuters could then walk or ride their bikes to the neighborhood shopping center for goods or services. Trips would be reduced, as would pollution and congestion. This is a project that meets several stated legislative and DCA goals, including:

1. location central to employment centers, major transportation routes (as opposed to remote, rural areas);
2. provision of adequate housing for all income groups (including \$50,000-\$100,000 category);
3. location in area served by central utilities;
4. preservation and enhancement of wetlands;
5. infill project between two established residential neighborhoods and major interstate interchange.; and
6. supporting commercial component to reduce development trips.

Approval is justified. Therefore, the County should support planning actions that will accommodate rational, and plan-based development. This application meets numerous Comprehensive Plan goals, objectives, and policies as identified in the original application. The PUD that has been filed on nearly half of the property clearly illustrates that the maximum density of the requested category is not going to be met and forms a commitment to a specific maximum level of development. While 620 units could be developed under the requested classification, the PUD Preliminary Development Plan provides a maximum of 550 units.

Internal trip capture. Additionally, the PUD provides a neighborhood commercial site and an eight-acre recreational facility. Thus, it is a mixed-use development that will be serving internally generated needs. The development will be served by private central utilities at no cost to the County.

Metropolitan area. The bulk of the comments contained in the ORC treat Nassau County in isolation, not considering the subject property's actual location and setting within the northeast Florida and southeast Georgia region. The subject property, while located within a rapidly growing node of Nassau County, is actually closer to major employment centers in Jacksonville (Duval County) than it is to Amelia Island and Fernandina Beach. The site is only four miles from the Jacksonville city limits. The fact that Nassau County has become a very desirable location for accessible, affordable housing to service the intensive and rapidly growing employment base in northern Jacksonville cannot be ignored. In fact, the primary target market that Nassau Partners will be pursuing is contained along the I-95 corridor from SR-A1A/200 south to the Trout River. The following developments are located or committed within a twenty-minute commute of the site:

- *I-95 – SR-A1A/200 Interchange Node:*
 - *Florida Community College at Jacksonville Nassau Campus with a recent 100 acre and 50,00 square foot expansion.*
 - *New Nassau County Jail – \$10 Million.*
 - *Gas station and highway service center recently expanded.*
 - *New McDonald's.*
 - *New Burger King.*
 - *Motel under construction.*
 - *Motel approved.*
 - *26-acre Recreation Vehicle Park approved.*
- *I-95 – Airport Road Interchange:*
 - *Jacksonville International Airport*
 - *Highway and Airport commercial support services including several motels and restaurants.*
 - *First Coast Mall – approved DRI.*
 - *Tradeport Business Park – with a large number of established industrial employers.*
 - *Woodwings Business Park.*
 - *Ennki, Inc.*
 - *Regional Postal Center.*
 - *Service centers for all of the overnight air freight carriers.*
- *I-95 – SR-9A Interchange:*
 - *Blount Island – Jacksonville Port Authority.*

- Access to industrial uses along SR-9A and Hecksher Drive.
- I-95 – Busch Drive/Dunn Avenue Interchange:
 - Busch Brewery.
 - Castleton Beverage/Bicardi.
 - Extensive Hotel and Restaurant Complex.

Yulee / North Jacksonville. By virtue of geography, the Plummers Creek site relates more to northside Jacksonville than it does to Fernandina Beach. While Fernandina Beach is more than a twenty-minute drive from the site, the Airport Road exit in Jacksonville is a ten-minute drive from the site. The outlook for northside Jacksonville employment remains favorable. For the last three years the area has added between 2,000-2,500 new jobs annually. The area has three major centers spurring employment growth: Imeson Industrial Park, which consists of 1,500 acres and offers build-to-suit property, 1.6 million S.F. of warehouse space, and over 160,000 S.F. of finished office space; Westside Industrial Park, an 870-acre custom designed and constructed distribution, manufacturing, and service facility with access to both CSX and Norfolk Southern rail service; and the Jacksonville Tradeport, which boasts a 200-acre free trade zone and has recently announced expansion plans into Dames Point (near the Jacksonville Port). Marquee companies located at these facilities include America Online (1,500 employees), Household Finance (400 employees), Sara Lee (400 employees), American Armor (500 employees), Prudential Investments (500 current employees with plans to add nearly 100 percent more), Coach (400 employees), Stone Container, Walter Lorenz Surgical Supply, Viking Office Products, United Parcel Service, and Nature Form.

The City of Jacksonville continues to encourage economic expansion and development in northside Jacksonville; last year's announcement for cooperation with both JEA and the Port Authority will provide continuing improvements and expanding services to the area. This commitment by the City helps an area that has traditionally lagged behind the City in terms of household incomes and economic opportunities, despite being blessed with abundant infrastructure and public services. The City has worked closely with its Citizens Public Advisory Council (CPAC) for northside Jacksonville and the EDEN (Economic Development Northside) group to bring more jobs and a variety of housing types to the area.

According to the EDEN group, which keeps records on Duval County northside economic development, the addition of nearly 2,500 new jobs annually coupled with just 400 residential units is a disparity that could lead to a stall in continuing growth if not corrected. Large employers and corporations are concerned about housing availability for their current and future workers.

As Table 1 shows, Northside Jacksonville is poised on the brink of an economic revival

that will go very far to balance the past undue concentration of jobs and wealth in Southside Jacksonville.

Commercial employment is expected to increase by almost 100% in the 1990s and 50% in the first decade of the next century. This compares with a commercial job growth rate for the rest of Jacksonville that is less than 15% each decade. Service employment will grow as well, although not at such a fast rate. It is critical that nearby housing developments be allowed to serve new employees, to avoid traditional problems of long commutes and traffic congestion.

Table 1: Industrial Employment Projections By Area, 1990-2020 - City of Jacksonville

	1990	2000	2010	2020	Change: 1990-00		Change: 2000-10		Change: 2010-20	
					#	Annual % Growth	#	Annual % Growth	#	Annual % Growth
Southside	16,289	20,445	24,534	28,802	4,156	25.5%	4,089	20.0%	4,268	17.4%
Downtown	9,192	9,999	10,799	11,644	807	8.8%	800	8.0%	845	7.8%
Southwest	4,006	4,316	4,402	4,503	310	7.7%	86	2.0%	101	2.3%
Northside	5,190	8,229	11,274	14,333	3,039	58.6%	3,045	37.0%	3,059	27.1%

Commercial Employment Projections By Area, 1990-2020 - City of Jacksonville

	1990	2000	2010	2020	Change: 1990-00		Change: 2000-10		Change: 2010-20	
					#	Annual % Growth	#	Annual % Growth	#	Annual % Growth
Southside	16,614	18,773	20,932	23,140	2,159	13.0%	2,159	11.5%	2,208	10.5%
Downtown	8,559	9,715	10,881	12,104	1,156	13.5%	1,166	12.0%	1,223	11.2%
Southwest	6,761	7,709	8,457	9,234	948	14.0%	748	9.7%	777	9.2%
Northside	2,284	4,523	6,766	9,028	2,239	98.0%	2,243	49.6%	2,262	33.4%

Service Employment Projections By Area, 1990-2020 - City of Jacksonville

	1990	2000	2010	2020	Change: 1990-00		Change: 2000-10		Change: 2010-20	
					#	Annual % Growth	#	Annual % Growth	#	Annual % Growth
Southside	52,503	59,445	66,341	73,375	6,942	13.2%	6,896	11.6%	7,034	10.6%
Downtown	69,788	75,285	80,781	86,399	5,497	7.9%	5,496	7.3%	5,618	7.0%
Southwest	30,768	33,816	36,792	39,825	3,048	9.9%	2,976	8.8%	3,033	8.2%
Northside	6,530	9,956	13,381	16,832	3,426	52.5%	3,425	34.4%	3,451	25.8%

Total Employment Projections By Area, 1990-2020

	1990	2000	2010	2020	Change: 1990-00		Change: 2000-10		Change: 2010-20	
					#	Annual % Growth	#	Annual % Growth	#	Annual % Growth
Southside	85,406	98,663	111,807	125,317	13,257	15.5%	13,144	13.3%	13,510	12.1%
Downtown	87,539	94,999	102,461	110,147	7,460	8.5%	7,462	7.9%	7,686	7.5%
Southwest	41,535	45,841	49,651	53,562	4,306	10.4%	3,810	8.3%	3,911	7.9%
Northside	14,004	22,708	31,421	40,193	8,704	62.2%	8,713	38.4%	8,772	27.9%
TOTAL	228,484	262,211	295,339	329,219	33,727	14.8%	33,128	12.6%	33,880	11.5%

Source: City of Jacksonville Planning and Development Department; Parker Associates, 1996.

The following is an itemized response to the ORC. The sections of the ORC are reproduced in full. Responses to the ORC are presented in *Italicized* type.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS REPORT
for
NASSAU COUNTY PROPOSED AMENDMENT 98-1**

PROPOSED FUTURE LAND USE MAP (FLUM) AMENDMENT CPA-98-003

Background: This amendment proposes to change the Future Land Use Map designation on 716 acres from Agriculture (1 Dwelling Unit / 20 acres) to Low Density Residential (2 Dwelling Units / acre).

I. Consistency with Rule 9J-5, Florida Administrative Code (F.A.C.) and Chapter 163, Florida Statutes (F.S.)

A. Objection: The County Comprehensive Plan indicates the County has approximately four times as much land designated Low Density Residential as it needs. The proposed amendment is not supported by adequate data and analysis demonstrating that the County requires additional Low Density Residential acreage to accommodate the projected population during the long-range planning period and would not further the Plan's being based on adequate and appropriate data and analysis.

Also, because the amendment is not supported by this data and analysis, it has not been demonstrated that the amendment is consistent with Comprehensive Plan Goal 1.0, to manage future growth by designating areas for anticipated future development in a cost-efficient manner.

Rules 9J-5.005(2) and (5), 9J-5.006(2) and (4), F.A.C.,

Sections 163.3177(2), 163.3177(6)(a) and 163.3177(8), F.S.

Recommendation- Do not adopt the proposed amendment.

Response: 1. Need for Low Density Residential Use:

As discussed above, DCA's approach to arriving at their claim of the FLUM provides four times the residential land required by forecast population is based on the assumption that all of the land in each land use category will be fully developed at the maximum density provided in each category. The Applicant has undertaken extensive research of development in Nassau County and found several indicators that actual development is occurring at densities well below the maximum levels and, therefore, that the population capacity of the FLUM is significantly overstated. The following is presented as further data and analysis to support this finding.

A survey of all recent (1995) aerial maps maintained by the County Property Appraiser's Office showed that areas with the LDR designation had a much lower actual density than the maximum density allowed by that land use classification. A review of countywide aerial maps showed that the actual density of developed LDR lands was .13 units per

acre, which is around one-fifteenth of the maximum allowed density of two units per acre. Further subdivision of most developed LDR lots is restricted due to lack of road access and the deeper (but relatively narrow) lots that are typical of rural development. These deep lots commonly approach several acres in size, but do not have adequate frontage and access to allow further subdivision. Additionally, lands isolated by wetlands can only be developed in a limited capacity.

Table 2 shows that this actual lower density has continued with recent developments in residential land use categories in the A1A corridor. All have been developed at a density that is considerably lower than the allowed density. These residential subdivisions have developed at around one-half the FLUM maximum density, due to development constraints like wetlands. All the developments listed below had an actual density that was less than 37% of the allowed density. Therefore the low-density residential over-allocation is only "on paper," and population projections conform much more to actual residential allocation.

Table 2: Yulee Recent Developments - FLUM Density vs. Actual Density

Name	Acres	FLUM Classif.	FLUM Maximum Density	Units Allowed by FLUM Maximum	Actual Units Approved	Units Less than FLUM Maximum	Actual Density
Administration	26	LDR	2	52	0	52	0.0
Glen Laurel	158	LDR	2	316	0	316	0.0
Jail	40	LDR	2	80	0	80	0.0
YPC	837	LDR	2	1,674	900	774	1.1
Yulee P.O.	3	LDR	2	6	0	6	0.0
Flora Parke PUD	277	MDR	5	1385	522	863	1.9
Flora Parke Plat	30	MDR	5	150	71	79	2.4
Glen Laurel	158	MDR	5	790	60	730	0.4
Magnolia	30	MDR	5	150	60	90	2.0
Marsh Lakes	50	MDR	5	250	127	123	2.5
Meadowfield	50	MDR	5	250	127	123	2.5
River Oaks	136	MDR	5	680	272	408	2.0
Villa Marsh Lakes	22	MDR	5	110	45	65	2.0
LDR Only	1,064			2,128	900	1,228	0.8
MDR Only	753			3,765	1,284	2,481	1.7
Total	1,817			5,893	2,184	3,709	1.2

Source: Nassau County Planning Department; Landers-Atkins Planners, Inc.

Table 2 demonstrates another argument against the LDR/MDR over-allocation argument. Due to lower actual density and continuing public developments in the LDR

and MDR categories, more than 3,700 allowed residential units have not been developed in the Yulee area.

Table 3 shows residential units needed to accommodate future population for the Yulee area assuming that the lands will develop at the maximum density. The population forecasts are based on population growth estimates from The Bureau of Economic and Business Research (BEBR) as required by DCA. Since most land in this planning district is now in the LDR and MDR categories, and almost all of the recent residential development has been within these categories, it is assumed that 90% of new residential development will be on lands within these two categories and that there is an equal amount of each. Therefore, residential density used in these projections is the midpoint between the MDR 5 units per acre and the LDR 2 units per acre. These conventional projections show a continuing surplus of LDR and MDR land in the Yulee district. While an excess in land area in the two categories results for 2015, it is far below the four times claimed by DCA.

The over-allocation issue is also affected by the horizon year of the plan – 2005 – and the fact that the County is preparing a plan update to extend the horizon year to at least 2015. The current plan update process will enable the County to take all of the above issues into consideration. The analyses that have been undertaken by the Applicants will provide the County with a significant methodological basis for refining the Plan's relationship to the population forecast of 2015.

Table 3: Yulee Population Accommodation Table (theoretical - 3.5 units per acre)

Time Period	Population Change¹	Equivalent Residential Units²	Yulee LDR/MDR Share (90%)³	Equivalent Acreage	Excess Undeveloped Acreage
1997 to 2000	3,560	1,295	466	133	1275
2000 to 2005	5,700	2,073	746	213	1,062
2005 to 2010	5,400	1,964	707	202	860
2010 to 2015	5,600	2,036	733	209	650
2015 to 2020	5,800	2,109	759	217	433

Table 4 uses similar assumptions to the previous projections shown in the above table, except in the use of the actual recent Yulee density of 1.2 units per acre. It is an accepted planning practice to recognize that large parts of sites are not developable due

¹ From BEBR projections

² From the Comprehensive Plan persons-per-household ratio of 2.75.

³ Building Permit data assembled by BHR, June, 1998 shows that the Yulee area captures around 40% of the County's growth (response to June 19, 1998 DCA letter regarding the YPC development, Nassau County). Assumes 90% of Yulee growth in LDR and MDR areas.

to wetlands, roads, and site irregularities. This is particularly true in Nassau County where wetlands consume large parts of properties and interrupt the road system. Lower density is reinforced by market preferences in Nassau County for larger lots, due to the rural character of the area. When real development parameters are factored in, it is shown that there will be a deficit of LDR and MDR lands within the next six to ten years. This deficit could arrive sooner if the rapid development pace of the Yulee area continues.

Table 4: Population Accommodation Table (actual - 1.2 units per acre)

Time Period	Population Change	Equivalent Resid. Units	Yulee LDR/MDR Share (90%)	Equivalent Acreage	Excess Undeveloped Acreage
1997 to 2000	3,560	1,295	466	388	1020
2000 to 2005	5,700	2,073	746	622	398
2005 to 2010	5,400	1,964	707	589	-191
2010 to 2015	5,600	2,036	733	611	-802
2015 to 2020	5,800	2,109	759	633	-1435

In summary, the research indicates that development in the Yulee/A1A Corridor, and in the County as a whole, since adoption of the Comprehensive Plan, has occurred at a much lower density than the maximum densities in the FLUM. When this reality is factored into projections of population accommodation, there is actually a potential shortage of residential land in the plan by a 2015 or 2020 horizon year. The County is in the process of accomplishing its EAR-Based Amendments to Plan. Under agreement with DCA emphasis is to be placed on the Yulee/A1A corridor. The research undertaken here clearly indicates that appropriate changes the density ranges in the plan, the amounts of land designated to various uses and the horizon year will result in a significantly different conclusion than DCA's ORC analysis, which looks at the plan as it was constructed

Response: 2. **Cost Efficient Development:** The subject property is well located to efficiently utilize local facilities and to provide efficient relationships between land uses. The site is located on A1A very near the intersection with I-95. Planned improvements on both highways will support the proposed use in the long term (see discussion below). In the short term, the proposed Development Agreement limits the level of development that can occur until specific improvements on SR-200/A1A are scheduled and funded. Edwards Road is an existing County road that has adequate capacity to support the proposed use.

The site area is within an approved water and sewer service district of the United Water Company and will be served by central water and sewerage services through planned extensions of nearby facilities. The commitments of United Water to serve the site area were provided in the application. A copy of the Public Service Commission expansion of the service area is attached.

The A1A – I-95 Interchange area is designated as a commercial activity node in the Comprehensive Plan (Future Land Use Element, E. The Plan, 2. Yulee Planning District, Paragraph 3). This node is becoming a major focal point of commercial and governmental uses. The Nassau County Branch of Florida Community College at Jacksonville is located just east of I-95 south of A1A. Nassau County has selected a site in the same area for the construction of a new county jail. The commercial uses at the intersection are continually expanding. The subject property is very well situated to provide complementary residential uses to support this node.

As discussed above, the subject property is also well located to support the extensive employment growth in the north side of Jacksonville. The site is less than 15 minutes from Jacksonville International Airport and associated development at that location. The First Coast Mall is under development at the I-95 – Airport Road Interchange. The International Tradeport on Airport Road continues to expand. Nassau County is continuing to increase in attractiveness to employees in these north Jacksonville businesses as a residential location.

Response: 3. *Housing Shortages.* Despite the apparent surplus of low-density residential housing as stated by DCA, the County is experiencing a serious shortage for housing for certain income ranges. The County's EAR references a study done by the Shimberg Center for Affordable Housing at the University of Florida. This study showed housing deficits for several annual income categories, including under \$10,000; \$30,000-\$50,000; and \$50,000-\$100,000. The last category had the highest deficit, with a projected shortage of 1,502 units by the year 2000 for the \$50,000-\$100,000 annual income range. Around 70% of homes in Plummers Creek will sell for this income range, as has been determined by market studies. An additional estimated 20% of homes will sell to buyers within the \$30,000-\$50,000 annual income range. The approximately 350 homes in this development selling to those with annual incomes between \$50,000 to \$100,000 would reduce the countywide deficit for that income group by over one-quarter. This development would therefore respond to a market need that has clearly been established. This is a significant factor that should be considered in the state's review of this plan amendment, particularly in light of numerous state policies that strongly affirm the provision of housing for all groups. For example, State Comprehensive Plan Goal 3 5 (Housing) urges "policies which encourage housing opportunities for all Florida's citizens."

B. Objection: The proposed amendment would amend the County Comprehensive Plan in such a manner that it fails to discourage urban sprawl. Particularly, the amendment:

1. designates substantial areas for low density development in excess of demonstrated need;
2. promotes urban development in rural areas remote from other urban areas;
3. promotes urban development in strip patterns along roads leading from urban areas
4. as a result of premature conversion of rural land to other uses, fails to protect natural resources – especially floodplains, surface waters and wetlands of regional significance
5. fails to protect adjacent agriculture and silviculture areas by changing the area's development expectations and by introducing incompatible uses into agricultural areas
6. fails to maximize use of existing public facilities by locating development where existing facilities with adequate capacity do not exist
7. fails to maximize use of future public facilities by locating development where future facilities are not already planned
8. allows for land use patterns or timing which disproportionately increase the cost of providing and maintaining facilities by promoting current development remote from current urban areas and services
9. fails to provide a clear separation between rural and urban uses by extending urban development across I-95 into rural areas which are currently separated from urban areas
10. discourages infill development and redevelopment of existing neighborhoods in urban areas
11. fails to encourage a functional mix of uses by locating development remote from related uses, such as employment and public services
12. results in poor accessibility among related land uses by locating development where trips to related uses must occur on roads projected to be inadequate, and
13. results in the loss of significant amounts of functional open space.

Rules 9J-5.006(2), (3), (4) and (5), F.A.C.
Section 163.3177(6)(a), F.S.

Recommendation. Do not adopt the proposed amendment.

Response:

General: the Comprehensive Plan defines the I-95 / SR 200 area as a commercial development node. The Plan, and the EAR states that the Yulee plan is centered on this node and the other identified node (at SR 200 and US 17). Additionally, DCA objections treat the property as though it and Nassau County exist in isolation from Jacksonville and the extensive employment opportunities located in the I-95 corridor immediately south of the site. I-95 provides very easy access between this concentration of employment and the more affordable housing that can be developed on this site.

Specific Items: need Jeff Crammond's update

1. See response to Objection A.
2. The assertion that this application represents development of lands that are remote from urban areas is incorrect. The site is located close to a major interstate intersection; is within or adjacent to a defined nodal area (Comprehensive Plan Future Land Use Element, E. – The Plan, 2. – Yulee Planning District, paragraph 3); is adjacent to existing residential areas with

a typical density of 2 units per acre; is less than a five minute drive from the Nassau Campus of Florida Community College at Jacksonville, the proposed site of a new County Jail; and is less than a fifteen minute drive from employment centers like Jacksonville International Airport, Tradeport, Fernandina Beach, Amelia Island Plantation, etc.

The site is actually bracketed by existing residential development that is within Low Density Residential land use areas provided on the FLUM. The proposed use actually fills in a gap in the urban land uses provided in the Plan.

- 3. The DCA comment on "strip" development does not apply to this project. The property is hardly a strip – it is a 700+ acre block of land with its smallest dimension fronting on A1A and its depth exceeding four times this frontage. This development will have retail fronting on SR 200 which will also serve the development through internal connections. Additionally, the commercial development will serve the low density existing residential units to the south and east.*
- 4. Pertaining to premature conversion of rural lands, see Response # 2 of this section. Conversion of agricultural lands is not an issue, as the Comprehensive Plan states that the Yulee Planning District contains less than 15 of all the agricultural land and rangeland in the County (Future Land Use Element, 3. The Planning Districts, c. Yulee Planning District, Paragraph 5). As far as the impact on conservation and natural resources, preservation of creeks, wetlands, various comprehensive plan policies related to these issues will assure their protection. This development must by law comply with county standards and state and federal regulations applicable to preservation of wetlands and water quality. In any case, the majority of the site has little environmentally significant lands, having for years been used for silviculture, which does not promote bio-diversity but in fact is a monoculture.*
- 5. The need for protection of silvicultural areas is not apparent, since the 1990 Comprehensive Plan noted that around 50% of County lands were used for this purpose. Again, this site is not in the midst of a rural, agricultural area, but in fact is in an area identified by the Comprehensive Plan as being in transition between rural and urban. Existing residential subdivisions to the south and east have defined the character of this area as a medium density (2 units per acre) residential area.*
- 6. The site is by no means remote from existing urban services. It fronts on SR 200, a road that is planned for widening by FDOT. It is less than a mile*

from I-95, which has also been planned for widening to six lanes by FDOT. Existing Edwards Road, providing access along the western boundary of the site, is an underutilized facility. The defined service area for United Water encompasses the site. As a result, the west side of the I-95 / SR 200 node will be served with sewer and water at no cost to Nassau County.

7. See previous Response.
8. See Responses #2 and # 6.
9. I-95 has never served as a "clear separation" between urban and rural areas in this area. The Yulee Planning district, is defined by the County's Comprehensive Plan as a district that is transitioning from rural to urban, and is bounded on the west by Mills Creek, several miles west of this site and the interstate. The Plan defines the intersection as the focal point of a commercial node. To the west of I-95, existing residential development in Nassau Landing and Johnson Lake, and commercial development at I-95 and SR A1A both date back several decades.
10. The suburban nature and recent growth of the Yulee Planning district does not lend itself to redevelopment, and there are few large parcels remaining for development in the SR A1A corridor between I-95 and Amelia Island, according to the County's Public Works Director. Therefore development of this parcel is a logical step in the growth of the Yulee area.
11. As stated in Response # 2, this site is within a fifteen minute drive of major employment centers, and is less than a half hour drive from downtown Jacksonville. As stated in Response # 6, this site is adjacent or very close to urban services include major roads and water/sewer. Thus a functional use of mixes is achieved.
12. The Department of Transportation's work program includes right-of-way acquisition that will support construction of the improvements to A1A. The improvements have been designed. The construction documents for I-95 through Nassau County are due from the consultant in December of this year, with anticipated letting date set by the FDOT, of July, 1999. These road improvements will provide more than enough traffic capacity for this development. And, the Development Agreement specifically limits the amount of development that can occur on the proposed site until specific improvements to both highways are included in the first three years of DOT's work plan.

13. *It is unclear what is meant by "functional" open space. The subject site is private land used for growing timber and is not accessible to the public as open space. The County's Plan and Zoning regulations require this project set aside at least 20% of the property for active recreation or meaningful open space. There is a very large tract north of SR 200 that is a public conservation preserve. This preserve will be unaffected by this project.*

C. Objection: The proposed amendment is not consistent with the Goals, Objectives and Policies of the Nassau County Comprehensive Plan concerning urban sprawl including the following:

- 1.0: regarding designating areas for future development
- 1.02: regarding locating future land uses where they appear most compatible with surrounding land uses, and
- 1.02.05: regarding conversion of agricultural lands to non-agricultural uses.

Rules 9J-5.005(5) and 9J-5.006(4) and (5) F.A-C.
Sections 163.3177(2) and (6)(a), F.S.

Recommendation: Do not adopt the proposed amendment.

Response: *Under the County's policies pertaining to urban sprawl, Policy 1.06.03 promotes compact growth within "urban development areas" by encouraging facility extensions. This application meets this policy, as noted in the comments to Objection B regarding adjacent roadways and urban utility services. There are no other policies under the urban sprawl policies that are in conflict with this application. Thus, by the County's own Comprehensive Plan, the application does not violate any goals, objectives, or policies pertaining to urban sprawl. The following attributes of this development do not follow the urban sprawl pattern:*

- ◆ *Location near nodal area (intersection of I-95 and SR 200/A1A);*
- ◆ *Location near existing residential development that is similar in scale and development pattern to what is proposed;*
- ◆ *Location near existing urban services and within a service district;*
- ◆ *Located within easy commute of major employment centers; and*
- ◆ *Contains a commercial / employment component of development that will reduce trips.*

In addition, Policy 1.02 (compatibility with surrounding land uses) is met, since existing residential development south and east of this site (and west of I-95) is of similar density and character to what is proposed. Policy 1.02.05 is concerned with conversion of agricultural lands to non-agricultural purposes. The site is used for silviculture, a use that in 1990 dominated the County (over 50% of land was used for this purpose). The site was owned by the largest silviculture business in the County and that company has a long-term commitment to maintaining the majority of its land holdings in silviculture. Therefore the loss of this site for silviculture will not significantly affect this industry or change the general character of the County in regard to this use.

D. Objection: The proposed amendment is not supported by appropriate data and analysis demonstrating the County's ability, during both the 5-year and the adopted long-range planning periods, to maintain the adopted Level of Service Standard in order to accommodate the needs of existing, committed and future land uses, including the additional impacts of the proposed amendment, on Florida Intrastate Highway System facilities.

To the contrary, data submitted or available indicates that improvements needed to accommodate the existing, committed and future land uses, including the impacts of this amendment, on State, Route 200 and 1-95 are not programmed during the 5-year or long-range plain period and are not included on the County's Future Traffic Circulation Map or in a financially feasible Capital Improvements Element. Thus the proposed amendment would cause the Future Land Use Element not to be coordinated with the Traffic Circulation Element and would not further the Future Land Use Element's being based upon adequate data and analysis demonstrating the availability of adequate transportation facilities.

Because an adequate transportation availability analysis has not been provided, it also has not been demonstrated that the proposed amendment is consistent with the following Comprehensive Plan objectives and policies and further, based on data submitted and available, the amendment would be inconsistent with the same:

Objective 1.0 I and Policy 1.0 1.04: "Require that consideration of amendments to the Future Land Use Map address issues pertaining to the availability of supporting infrastructure in accordance with Chapter 9J-5.055(2)(a), (b) and (c), F.A.C. "

Objective 2.02: The County shall develop, construct and maintain a major roadway network which is consistent with the existing and future land use patterns.

Objective 2.06: The County will coordinate transportation activities with other agencies having planning responsibilities for highways,

Policy 2.06. 0 1: Transportation activities will be accomplished by the minimum standards of the Florida Department of Transportation.

Goal 9.0: The County shall ensure the orderly and efficient provision of all public facilities necessary to serve existing and future local population needs.

Policy 9.01.05: Include all facility needs identified in the Traffic Circulation Element. Policy 9.01.06: Estimate future funds available for public facility debt service.

Policy 9.02.01: The County shall ensure the adopted LOS standards are provided for new development within the planning period.

Specifically, the analysis of the availability of transportation facilities does not accurately and completely address the factors listed below:

- (a) Identification of all impacted roads;
- (b) Identification of the adopted level of service (LOS) standard for all impacted roads;
- (c) Projected operating conditions (for the five-year and adopted long-range planning period) of all impacted roadways (including backlogged and constrained facilities) based, not on FDOT projections or assumed growth rates but, on traffic generated by existing development, approved but unbuilt development and all future (i.e., not yet approved) land uses as depicted on the FLUM at the maximum permitted density and intensity

- (d) The projected LOS, based on the analysis in (c) above, on all affected roads, including backlogged and constrained roads, for the 5 year and adopted long-range (year 2005) planning period as established in the Comprehensive Plan.
- (e) The additional trips, due to the change in land use, generated by the most intense level of development including commercial allowed by the proposed land use category relative to the most intense level of development allowed for the current land use category-
- (f) The impact of the additional trips upon the projected LOS standards on all affected roads for the adopted short and long-range planning periods – the cumulative 3% *de minimus* impacts allowed having already been consumed by existing and committed development and not being applicable to hurricane evacuation routes;
- (g) Identification of current and projected LOS standard deficiencies and the improvements needed to maintain adopted LOS standards on all affected roads, including backlogged and constrained roads, in order to accommodate all existing, committed and future land uses as shown on the FLLTK plus the proposed amendment within the long-range planning timeframe;
- (h) Coordination of the proposed amendment with the construction plans of other entities which have regulatory or financial responsibility for the impacted roads, especially including accurate completion dates of proposed improvements to SR 200 and 1-95,
- (i) The needed improvements' costs and the ability (including reliance upon other agencies' ability) of the local government to fund these improvements within the long-range planning timeframe; and,
- (j) Amendments to the Traffic Circulation Element, Future Transportation Map and, if needed, the 5-Year Capital Improvements Schedule, to include any needed improvements

Rules 9J-5.005(2) through (5), 91-5.0055, 9J-5.006(2) and (4), 91-5.016(l), (2) and (4), F.A.C. Sections 163.3177(2), (3), (6)(a) and (b) and (8) and 163.3 1 80, F.S.

Recommendation: Do not adopt the proposed amendment.

Response: *General: The Development Agreement was developed in direct response to this issue. It limits the amount of development to that which can be accommodated by existing roadway capacities and until such time as specific improvements on SR A1A and I-95 are included in the first three years of DOT's work program.*

- (a) *The following roadways are anticipated to be impacted by the development of this project.*

<u>Road Name</u>	<u>Section</u>
Edwards Road	South of A1A/A1A
A1A/A1A	US-1 to I-95
	I-95 to US-17
	East of US-17
Interstate 95	Duval County Line to A1A.A1A
	A1A/A1A to US-17
US-17	Duval County Line to A1A/A1A
	A1A/A1A to I-95

(b) Identification of the adopted level of service (LOS) standard for all impacted roads;

<u>Road Name</u>	<u>Section</u>	<u>LOS Standard</u>
Edwards Road	South of A1A/A1A	D
A1A/A1A	US-1 to Edwards Road	C
	I-95 to US-17	C
	East of US-17	C
Interstate 95	Duval County Line to A1A.A1A	B
	A1A/A1A to US-17	B
US-17	Duval County Line to A1A/A1A	D
	A1A/A1A to I-95	C

(c) (projected operating conditions of impacted roadways). Nassau County currently does not have a transportation model that uses land use data to forecast traffic volumes on area roadways. They have however, committed to study the Yulee Planning district, in which this project is located, in detail over the next eighteen months. This study will not be completed within the time frame required for this project and therefore the best available data to project future traffic volumes on area roadways.

<u>Road Name</u>	<u>Section</u>	<u>2003 Trips</u>	<u>2005 Trips</u>
Edwards Rd.	South of A1A/A1A	1,818	1,298
A1A/A1A	US-1 to Edwards Road	8,371	9,016
	I-95 to US-17	16,618	17,698
	East of US-17	31,947	33,342
Interstate 95	Duval Co. Line to A1A.A1A ²	59,668	62,488
	A1A/A1A to US-17 ²	51,465	54,060
US-17	Duval Co. Line to A1A/A1A	12,237	12,832
	A1A/A1A to I-95	12,357	12,962

(d) The projected LOS, based on the analysis in (c) above, on all affected roads, including backlogged and constrained roads, for the 5 year and adopted long-range (year 2005) planning period as established in the Comprehensive Plan;

<u>Road Name</u>	<u>Section</u>	<u>2003 LOS</u>	<u>2005 LOS</u>
Edwards Road	South of A1A/A1A	B	B
A1A/A1A	US-1 to Edwards Road	A	A
	Edwards Road to I-95	A	A
	I-95 to US-17	A	C
	East of US-17	B	C
Interstate 95	Duval Co. Line to A1A.A1A	E	C
	A1A/A1A to US-17	D	C
US-17	Duval Co. Line to A1A/A1A	C	C

A1A/A1A to I-95

C

C

- (e) *The additional trips, due to the change in land use, generated by the most intense level of development, including commercial, allowed by the proposed land use category relative to the most intense level of development allowed for the current land use category;*

<u>Road Name</u>	<u>Section</u>	<u>2003 Trips</u>	<u>2005 Trips</u>
Edwards Road	South of A1A/A1A	1,268	1,728
A1A/A1A	US-1 to Edwards Road ¹	951	1,296
	I-95 to US-17	1,268	1,278
	East of US-17	317	432
Interstate 95	Duval Co. Line to A1A.A1A ²	1,268	1,728
	A1A/A1A to US-17 ²	1,585	2,160
US-17	Duval Co. Line to A1A/A1A	317	432
	A1A/A1A to I-95	317	432

- (f) *As shown in the attached analysis, the forecast LOS for the area roadways impacted by the development of this project will not change.*
- (g) *Nassau County currently does not have a transportation model that uses land use data to forecast traffic volumes on area roadways. They have however, committed to study the Yulee Planning district, in which this project is located, in detail over the next eighteen months. This study will not be completed within the time frame required for this project and therefore the best available data to project future traffic volumes on area roadways. The only deficiency in the vicinity of the project is I-95. The LOS for this facility will not meet the State of Florida's requirements for a FHHS but will meet the Federal Highway Administration's (FHWA) standards. FHWA controls the federal portion of the funding used to improve the capacity of the Interstate system.*

The LOS of this section of Interstate is not influenced to a significant degree by the development within the area. Similar to I-95 is St. Johns County, over 75% of the trips on Interstate 95 do not stop within the County and of the 25% that has an origin or destination within the County, the majority can be attributed to the support commercial at the two interchanges within the County. Based on this data, changes in the land use designations on the FLUM.

- (h) *Joy Brown, Transportation Planner for the FDOT has indicated that a tentative work program for the Department will be available October 30, 1998. It is anticipated that the widening of A1A from Callahan to I-95 will be*

included in the revised work program. The acquisition of the additional right of way necessary to construct this improvement has begun.

Although the improvements to this roadway are not currently included in the FDOT's work program, it is the Department's belief that funds will become available to construct this improvement beginning in 1999.

- (i) The funding of these improvements will be provided through the FDOT. The Department is currently revising their 5-Year Work Program to reflect these improvements.*
- (j) The FDOT will be amending their 5-Year Work Program to include the construction of the improvements. The County's Traffic Circulation Element and Future Transportation Map will be amended to include these improvements, as the FDOT programs their construction.*

E. Objection: The portion of the Future Land Use Map submitted to support the proposal indicates that the amendment includes both an Agriculture category and two types of Conservation categories; however, the text of the amendment proposal addresses amending only the Agricultural category. Thus, the boundaries of the amendment site either are not clearly depicted or are not consistent with the text, concerning the amendment proposal, and concerning the amendment's impacts.

Also, the applicant's data concerning the environmental characteristics of the site describes 800 acres of Section 12, Township 2 North, Range 26 East but does not include data and analysis concerning the remaining sections of the subject 716 acre site. The County's analysis carries this inconsistency forward. Thus, the data submitted is inaccurate and does not clearly support the amendment proposal because it appears to describe lands not included in the site and does not describe all lands which are included in the site,

In addition, the applicant's data describes a large amount of hydric and high-water table soils as being included in the site. This data (which as noted above may not be entirely correct) is not supportive of a finding that the character of the site is suitable for the proposed Low Density Residential designation. Data and analysis has not been submitted supporting that this site, if it contains such soils, would be suitable for Low Density Residential development. The data submitted does indicate that development would be consistent with agency stormwater permits, however, those permits would allow water table drawdown which could affect wetland hydroperiods and functions, possibly in a manner inconsistent with the Plan.

Because accurate data and analysis describing the environmental character of the site and describing the amendment's extent has not been included, it has not been demonstrated that the amendment would be consistent with the following Comprehensive Plan objective and policies:

- 1.01. the County will correlate future land uses with appropriate environmental conditions,
- 1.04A.02 the County shall restrict development in conservation areas to the maximum extent possible short of a taking,
- 6.02, the County will protect ecological systems which are sensitive to development impacts and which provide important natural functions and

6.02.08 the natural functions and hydroperiods of wetlands shall be maintained.

Rules 9J-5.005(2) and (5), 91-5.006(l), (2) and (4) and 9J-5.013 (1) and (3), F.A.C.
Sections 163.3177(2), 163.3177(6)(a) and (d), and 163.3177(g), F.S.

Recommendation: Do not adopt the proposed amendment.

Response: *It is not clear how the DCA can read two conservation categories on the County FLUM that are affected by this amendment. A close reading of the map indicates that "Wetlands" Conservation area does "overlay" some of the Agricultural land use designation adjacent to Plummers Creek. The County considers this designation as an overlay that will remain on the amended land use (Policy 1.02.05.H. Examples of other overlays are Planned Unit Development, Mixed-Use Development (Floating District), Commercial Mixed-Use, Limited Development, and Preservation (Policy 1.02.05.I). Application of these overlays to existing land use categories provides special regulations for areas classified as such. The applicant has not requested any change in this overlay designation. In addition, there was an error in the drawing of the boundary on the FLUM in the original application that extended the east site boundary to the creek. The actual property line does not extend to the creek. Therefore, less land shown with this wetland "overlay" is actually affected by the amendment. The maps with this error have been revised and are provided herewith.*

The Applicant fully understands that the Wetlands overlay designation will remain on the property and will prevent development within that area as well as within the 50 foot buffer that the Comprehensive Plan provides around such designated lands. The Applicants also understand that these lands are also protected by state and federal wetlands regulations, as are additional wetlands on the property. These regulations are certainly adequate to protect the natural resources of the region and were put in place for exactly that purpose. Any development on the tract will be conducted in accordance with all county, state, and federal environmental regulations.

Regarding the second paragraph of this comment, the Vegetation/Wildlife/Wetlands Assessment for Future Land Use Map Amendment (CSAi, May 1998) report, prepared by Coastal Science Associates, Inc. (CSAi), stated that the site was located in Section 12, Township 2N, Range 26E. These coordinates were given solely as a site location. The study and report of findings was conducted on a larger 800± tract. As a result of this broader study, the area of the tract for which the FLUM amendment was requested was revised to the mean high water line specifically as a wetlands protection action. The report should have stated the study area as portions of Sections 11, 12, 13, and 14; Range 26E; Township 2N.

A comment is made about the suitability of the land for low-density residential development due to hydric soils. Although several hydric soils were identified on the tract in the SCS maps, the suitability of the tract for development can only be determined after

a quantitative geotechnical study is performed on the tract. The SCS soils manuals specifically recognize that development is possible with corrective measures. Furthermore, these hydric areas correspond in large part with the wetlands on the site that are being protected.

II. Consistency With The Northeast Florida Strategic Regional Policy Plan

A. Objection: The proposed amendment is inconsistent with the following policies of the Northeast Florida Regional Planning Council Strategic Regional Policy Plan:

Policies 4.1-5, 4.3.1 and 4.3.5: maintain Natural Resources Regional Significance, and
Policy 5.2.1: restrict development that degrades the level of service on regional facilities.

Recommendation: Do not adopt the proposed amendment.

Response: *The response from the Regional Planning Council does not recommend denial for this application, but in fact suggests approval with conditions. The applicant will meet these conditions, which pertain mainly to the protection of Plummers Creek.*

As far as Policy 5.2.1, the Development Agreement assures that the change in the designation of the FLUM will not degrade the LOS on any regional facility. Ambient traffic growth, primarily through-trips on I-95, are responsible for this facility not being able to operate at an acceptable level of service.

III. Consistency with the State Comprehensive Plan

A. Objections: The proposed amendment is inconsistent with the following goals and policies of the State Comprehensive Plan (responses are bolded):

187.201(6)(b)1. *Goal.*—An environment that supports a healthy population and which does not cause illness.
187.201(6)(b)2.

- a. Every Florida resident has a right to breathe clean air, drink pure water, and eat nutritious food.
- b. The state should assure a safe and healthful environment through monitoring and regulating activities that impact the quality of the state's air, water, and food.
- c. Government shall ensure that future growth does not cause the environment to adversely affect the health of the population.

Response: *Unclear on how this development would cause illness or affect public health.*

187.201(8) WATER RESOURCES.—

(a) *Goal.*—Florida shall assure the availability of an adequate supply of water for all competing uses deemed reasonable and beneficial and shall maintain the functions of natural systems and the overall present level of surface and ground water quality. Florida shall improve and restore the quality of waters not presently meeting water quality standards.

(b) *Policies.*—

- 2. Identify and protect the functions of water recharge areas and provide incentives for their conservation.

4. Protect and use natural water systems in lieu of structural alternatives and restore modified systems.
5. Ensure that new development is compatible with existing local and regional water supplies.
9. Protect aquifers from depletion and contamination through appropriate regulatory programs and through incentives.
10. Protect surface and groundwater quality and quantity in the state.

Response: *By state law and Water Management District and County standards, surface and groundwater quality, and natural water systems will be protected and enhanced.*

187.201(10) NATURAL SYSTEMS AND RECREATIONAL LANDS.—

(a) *Goal.*—Florida shall protect and acquire unique natural habitats and ecological systems, such as wetlands, tropical hardwood hammocks, palm hammocks, and virgin longleaf pine forests, and restore degraded natural systems to a functional condition.

(b) *Policies.*—

1. Conserve forests, wetlands, fish, marine life, and wildlife to maintain their environmental, economic, aesthetic, and recreational values.
2. Acquire, retain, manage, and inventory public lands to provide recreation, conservation, and related public benefits.
3. Prohibit the destruction of endangered species and protect their habitats.
4. Establish an integrated regulatory program to assure the survival of endangered and threatened species within the state.
5. Promote the use of agricultural practices that are compatible with the protection of wildlife and natural systems.
6. Encourage multiple use of forest resources, where appropriate, to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control, and maintenance of water quality.
7. Protect and restore the ecological functions of wetlands systems to ensure their long-term environmental, economic, and recreational value.
10. Emphasize the acquisition and maintenance of ecologically intact systems in all land and water planning, management, and regulation.

Response: *This property has no public lands or endangered species. If the argument is made that silviculture is an agricultural practice which is compatible with the protection of wildlife and natural systems, almost half of the County is devoted to this purpose, alleviating the need to forcefully protect such a use. Wetlands and water bodies will be protected along with upland buffers.*

Uplands on the tract have been used for silviculture for several years. These areas currently consist of mostly cleared lands. On-site wetlands have not been adversely impacted by these activities. No development is foreseen in sensitive areas such as these wetlands.

187.201(12) ENERGY.—

(a) *Goal.*—Florida shall reduce its energy requirements through enhanced conservation and efficiency measures in all end-use sectors, while at the same time promoting an increased use of renewable energy resources.

(b) *Policies.*—

3. Improve the efficiency of traffic flow on existing roads.

Response: *A concurrency issue. Again, this FLUM change will not degrade the LOS of any regional facility. Ambient traffic growth, particularly through-trips on I-95 are responsible for this facility not being able to operate at an acceptable level of service.*

(187.201(16) LAND USE.—

(a) *Goal.*—In recognition of the importance of preserving the natural resources and enhancing the quality of life of the state, development shall be directed to those areas which have in place, or have agreements to provide, the land and water resources, fiscal abilities, and service capacity to accommodate growth in an environmentally acceptable manner.

(b) *Policies.*—

1. Promote state programs, investments, and development and redevelopment activities that encourage efficient development and occur in areas which will have the capacity to service new population and commerce.
2. Develop a system of incentives and disincentives which encourages a separation of urban and rural land uses while protecting water supplies, resource development, and fish and wildlife habitats.
6. Consider, in land use planning and regulation, the impact of land use on water quality and quantity; the availability of land, water, and other natural resources to meet demands; and the potential for flooding.

Response: *DCA has mistakenly classified this area as a remote, rural area, as opposed to an growing area close to: a major interstate intersection, existing residential areas with a typical density of 2 units per acre, employment centers like JIA, Tradeport, etc. If one was to only observe this property from the west along A1A, this assumption might be made. However this observation would not recognize existing nearby development at I-95 and to south and east.*

198.201(18) PUBLIC FACILITIES.—

(a) *Goal.*—Florida shall protect the substantial investments in public facilities that already exist and shall plan for and finance new facilities to serve residents in a timely, orderly, and efficient manner.

(b) *Policies.*—

1. Provide incentives for developing land in a way that maximizes the uses of existing public facilities.
5. Encourage local government financial self-sufficiency in providing public facilities.
7. Encourage the development, use, and coordination of capital improvement plans by all levels of government.
9. Identify and use stable revenue sources that are also responsive to growth for financing public facilities.

Response: *This property is within a water and sewer service area and adjacent to areas served by water and sewer. Additionally, there are few large parcels between A1A and Amelia Island, limiting supply for residential developments. Also, these policies are to guide the County, not to evaluate development.*

187.201(20) TRANSPORTATION.—

(a) *Goal.*—Florida shall direct future transportation improvements to aid in the management of growth and shall have a state transportation system that integrates highway, air, mass transit, and other transportation modes.

(b) *Policies.*—

3. Promote a comprehensive transportation planning process that coordinates state, regional, and local transportation plans.
9. Ensure that the transportation system provides Florida's citizens and visitors with timely and efficient access to services, jobs, markets, and attractions.

Response: Not clear on how # 3 relates to this application. As far as # 9 is concerned, the property is very convenient to services, jobs, markets, and attractions.

See earlier responses related to transportation.

The FDOT has set a tentative letting date of July 1999, for the widening of I-95 within Nassau County. Although the improvements to this roadway are not currently included in the FDOT's work program, it is the Department's belief that funds will become available to construct this improvement beginning in July of 1999.

The FDOT will be amending their 5-Year Work Program to include the construction of the improvements. The County's Traffic Circulation Element and Future Transportation Map will be amended to include these improvements, as the FDOT programs their construction.

187.201(21) GOVERNMENTAL EFFICIENCY.—

(a) *Goal.*—Florida governments shall economically and efficiently provide the amount and quality of services required by the public.

Response: related to concurrency and urban sprawl, both arguments that have been successfully addressed elsewhere in this response.

187.201(22) THE ECONOMY.—

(a) *Goal.*—Florida shall promote an economic climate which provides economic stability, maximizes job opportunities, and increases per capita income for its residents.

(b) *Policies.*—

3. Maintain, as one of the state's primary economic assets, the environment, including clean air and water, beaches, forests, historic landmarks, and agricultural and natural resources.

Response: Not clear on how development would conflict with this goal. Environmentally sensitive land of this development, Plummers Creek and related wetlands and upland buffers, will be maintained and protected, negating this comment.

187.201(26) PLAN IMPLEMENTATION.—

(a) *Goal.*—Systematic planning capabilities shall be integrated into all levels of government in Florida with particular emphasis on improving intergovernmental coordination and maximizing citizen involvement.

(b) *Policies.*—

2. Ensure that every level of government has the appropriate operational authority to implement the policy directives established in the plan.

7. Ensure the development of strategic regional policy plans and local plans that implement and accurately reflect state goals and policies and that address problems, issues, and conditions that are of particular concern in a region.

Response: Not sure in what way application represents a failure of intergovernmental coordination and citizen involvement. The regional plan is concerned with significant regional resources of which Plummers Creek may be a part (see previous comment). Through the plan amendment process, all levels of government have had an opportunity

to review the proposed amendment. The Applicant has met with local residents, held a workshop meeting with local residents, gone through all required public hearings and the transmittal and adoption levels.

COLLEGE ATMOSPHERE



RENDERING COURTESY OF CRG ARCHITECTS PLANNERS INC.

The Florida Community College at Jacksonville's Betty Cook Center in Yulee will be able to accommodate 330 students by June 2000.

FCCJ expanding in Yulee

Board of directors to spend \$8.1 million on Betty Cook Center

BY JAY SCHLICHTER
News-Leader

In less than two years, the Florida Community College at Jacksonville's Betty P. Cook Nassau County Center will not look the same.

Portable classrooms, staff and administrative offices that currently fit in a 7,000-square foot area in Yulee will be replaced by a permanent 45,000-square foot two-story building. The center currently serves about 100 full-time students, while the new center will be able to accommodate 330 full-time students.

The project, phase one of a master plan designed by the Nassau County Center Design Committee, will cost about \$8.1 million to build, with a projected start date of June 1999 and completion date of June 2000.

While the committee has worked hard, it wouldn't have reached this point without the help of FCCJ's Board of Directors, says

Don J. Hughes, the Betty Cook Center director.

Hughes said that FCCJ President Steve Wallace vowed to improve the center by making its development a priority, and the board acknowledged that promise by approving the center's master plan at its Nov. 3 meeting.

The board has made the center's development such a priority that it is willing to find the remaining funding needed — \$2 million — if the Florida Legislature doesn't approve the appropriation in its next session, Hughes said.

The state has already provided about \$5.8 million toward the project from Public Education Capital Outlay funds, and is expected to provide the remainder. PECC funds are collected through taxes on public utility bills, and are set aside to build educational facilities.

"The citizens of Nassau County must have community college facilities which are equivalent to what

FCCJ Continued on 11A

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SCHLICHTER
Leader

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JAY SCHLICHTER/NEWS-LEADER

Don Hughes, director of the FCCJ Betty Cook Center in Yulee, is looking forward to saying goodbye to the trailers that have been the center's home.

FCCJ *Continued from 1A*

we provide in Duval County," Wallace said. "We are excited to be making a substantial and permanent commitment to providing a much higher level of service to our Nassau County students."

Another major reason the center's development is becoming a reality, Hughes said, is the donation of 43 acres by Betty and William Cook, and Callahan Timber. Betty Cook, who is on the design committee, will help decide on the center's architectural style, Hughes said.

"It's not just a dream come true... it's so much better than that," Betty Cook said of the plans. "It is a very wonderful thing for the people of Nassau County. It will enhance people's quality of life in so many ways."

The architectural firm that has drawn the preliminary drawings, CRG Architects Planners Inc., also designed the center's outdoor education center, phase one and two of FCCJ's North Campus.

Along with designing a two-story building with a proposed courtyard or landscaped area in its center, the firm drew a plan to expand the center's lake toward the new building, taken from design committee mem-

bers' ideas. The committee is comprised of several of the center's employees and other community members.

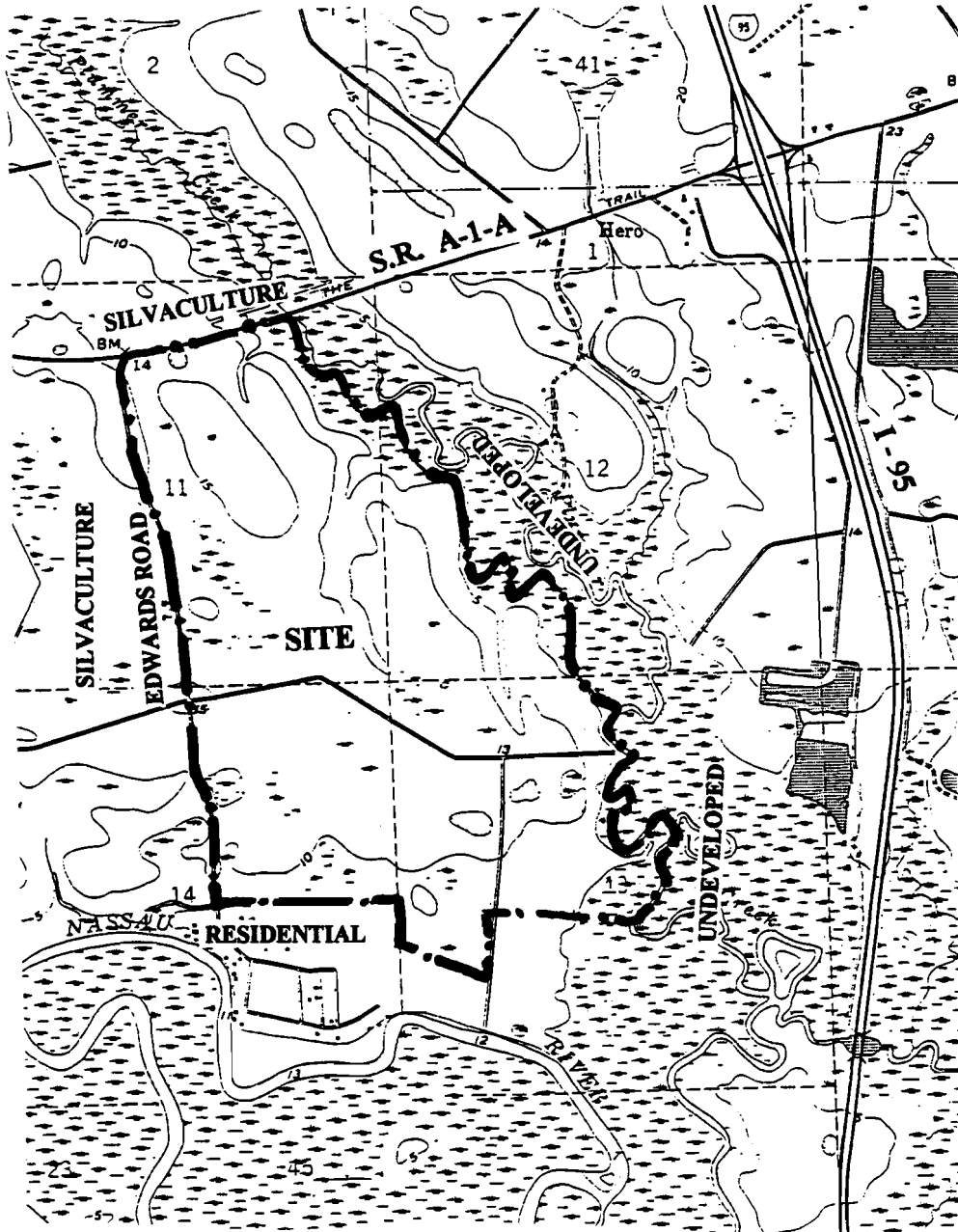
Administrative offices will be on the first floor of the building, and most of the classrooms will be located on the second floor. The building will have space for a computer and laboratory classroom, a learning resource center and student activity areas.

The outdoor education center will remain in its current location, which has outdoor classrooms, a camping equipment and canoe storage building, overnight bunkhouses, and meeting buildings, all in support of courses dealing with canoeing and wilderness backpacking.

Classes will continue to be offered in the center's portables, which will be moved during construction of the new building.

The master plan also includes proposed projects to build other two-story buildings at the center, but whether those buildings are built will depend on several factors, including funding and Nassau County's population, Hughes said.

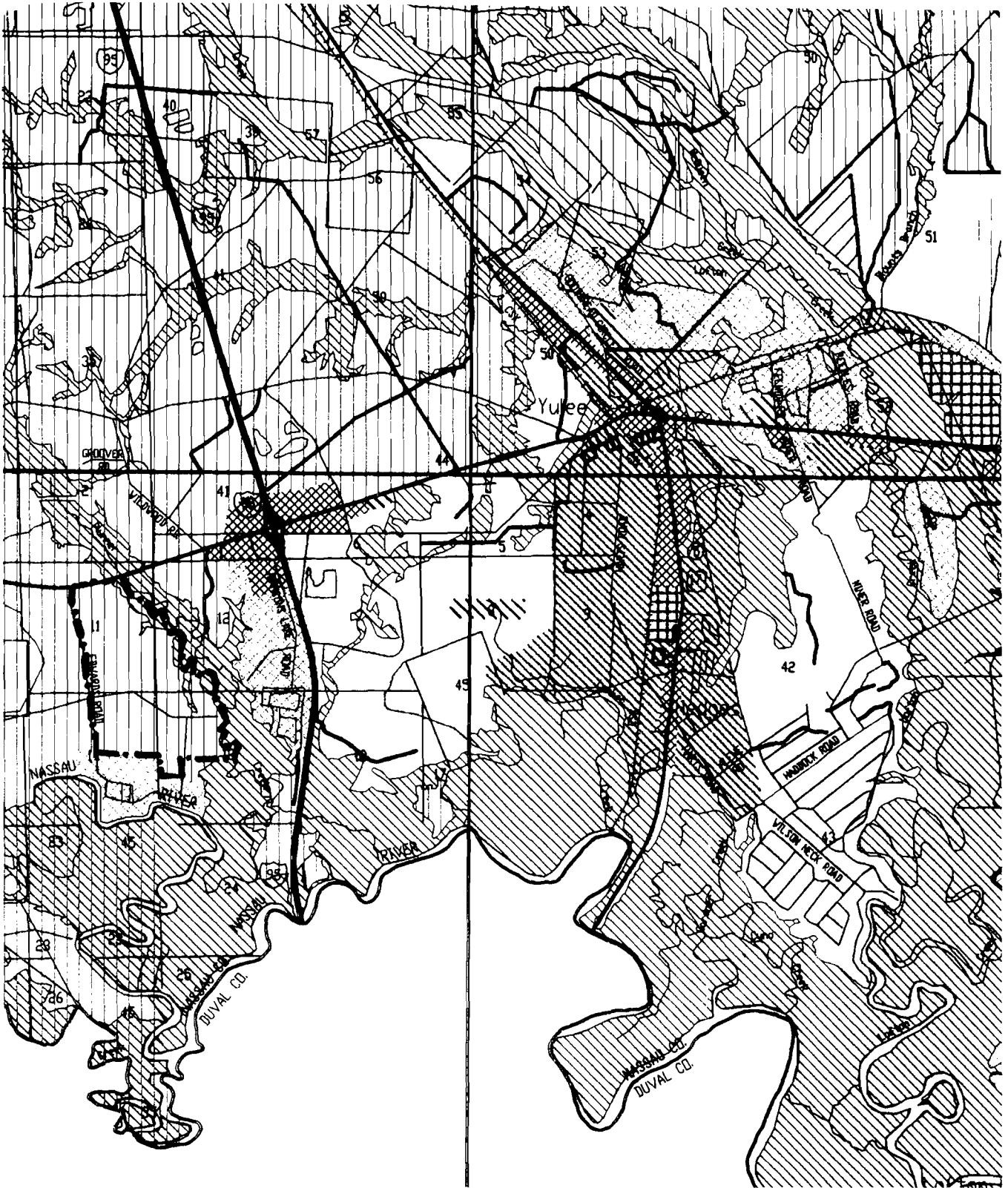
Hughes said that portion of the master plan is the design committee's "vision for the future."



Base: USGS Italia Quadrangle, Florida 7.5 Minute Series

SR-A1A / Edwards Road Future Land Use Map Amendment

ATTACHMENT D-3
General Location Map – Future Land Use Map



Base: Nassau County Future Land Use Map

SR-A1A / Edwards Road Future Land Use Map Amendment



Source: Nassau County Property Appraiser

