

17/95 RV

ORDINANCE NO. 2008 - 20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP SERIES OF THE 2010 COMPREHENSIVE PLAN; PROVIDING FOR A CHANGE OF 139 ACRES FROM AGRICULTURAL (AG) AND COMMERCIAL (C) TO INDUSTRIAL (I); CHANGING 11 ACRES FROM AGRICULTURAL (AG) AND COMMERCIAL (C) TO CONSERVATION I; ADOPTING A NEW POLICY 1.09.08(b) ACCEPTING THE APPLICANT'S VOLUNTARY PROFFER TO LIMIT DEVELOPMENT OF THE SITE; PROVIDING FOR FINDINGS; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, 17/95 RV Park, LLC, owner of the real property described in this Ordinance, filed Application CPA08-005 for a Future Land Use amendment of the Nassau County Comprehensive Plan of approximately 139 acres from Agricultural (AG) and Commercial (C) to Industrial (I), and approximately 11 acres from Agricultural (AG) and Commercial (C) to Conservation; and

**WHEREAS**, the property is located proximate to major transportation assets and is suitably buffered from residential uses; and

**WHEREAS**, the Planning and Zoning Board, also acting in their capacity as the Local Planning Agency (LPA) for Nassau County, conducted a public hearing on August 5, 2008 and voted to recommend approval of CPA08-005 to the Board of County Commissioners; and

**WHEREAS**, the Board of County Commissioners conducted a transmittal hearing on this application on August 25, 2008; and

**WHEREAS**, the Department of Community Affairs conducted an interagency review of this application in accordance with Sec. 163.3184, F.S. and issued an Objections, Recommendations and Comments Report on November 10, 2008; and

**WHEREAS**, the Applicant and Nassau County submitted to DCA a response to the Objections, Recommendations and Comments Report addressing interagency objections and modifying the amendment in response thereto; and

**WHEREAS**, public notice of all public hearings has been provided in accordance with Chapter 163, F.S.

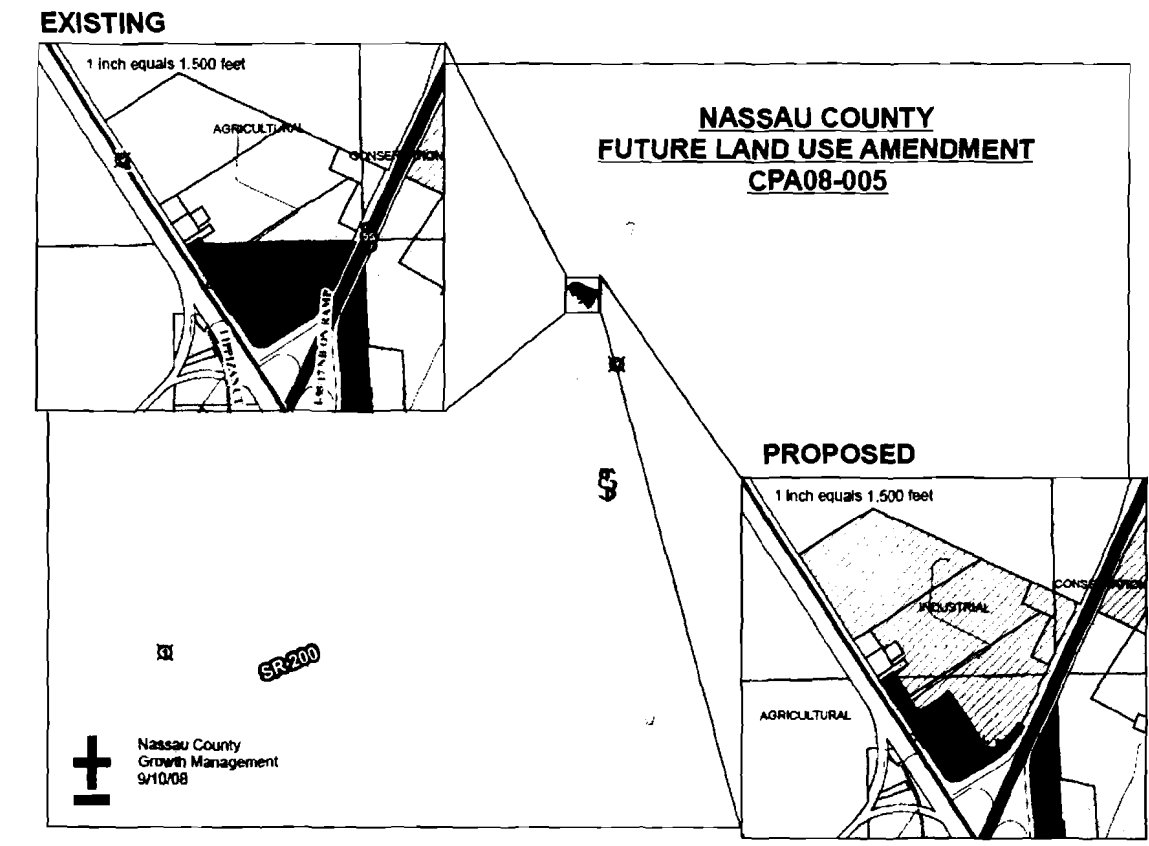
**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA:**

**SECTION 1. FINDINGS**

- A. This action complies with Chapter 163, Part II, Florida Statutes and Rule 9J-5, F.A.C.
- B. This action is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular Policies 1.10.03(C), 1.01.04 and 4.03.05.

**SECTION 2. AMENDMENT**

The following described property is reclassified from Agricultural (AG) and Commercial (C) to Industrial (I), less and except that portion described in Section 3, below. Upon the effective date of this Ordinance, the Growth Management Department is hereby authorized to amend the Future Land Use Map (FLUM) to reflect this change.



ALL THAT CERTAIN PIECE OR PARCEL OF LAND, LYING AND BEING A PORTION OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND A PORTION OF SECTIONS 35 & 36, TOWNSHIP 4 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SECTION 2, AFOREMENTIONED; THENCE SOUTH 89°19'34" WEST A DISTANCE OF 171.24 FEET ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 95 (HAVING A VARIABLE RIGHT-OF-WAY WIDTH) AND BEING THE POINT OF BEGINNING; THENCE SOUTH 24°42'03" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 468.18 FEET; THENCE SOUTH 28°44'24" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 232.65 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1088, PAGE 1577 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTHERLY LINE AND THE WESTERLY LINES OF SAID LANDS RUN THE FOLLOWING FIVE (5) COURSES AND DISTANCES; COURSE NO. (1) NORTH 61°15'36" WEST 49.85 FEET; COURSE NO. (2) SOUTH 28°44'24" WEST 219.05 FEET; COURSE NO. (3) SOUTH 59°06'01" WEST 105.42 FEET; COURSE NO. (4) SOUTH 89°27'38" WEST 87.10 FEET; COURSE NO. (5) SOUTH 00°32'22" EAST 64.75 FEET TO THE NORTHERLY LINE OF THOSE LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 789 PAGE 578 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH 89°26'00" WEST ALONG SAID NORTHERLY LINE 181.81 FEET; THENCE NORTH 32°52'57" WEST, A DISTANCE OF 888.52 FEET; THENCE SOUTH 57°06'36" WEST A DISTANCE OF 521.46 FEET; THENCE NORTH 32°53'07" WEST, A DISTANCE OF 200.00 FEET; THENCE SOUTH 57°06'08" WEST A DISTANCE OF 200.00 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF U.S. HIGHWAY 17 (HAVING A 137.50 FOOT RIGHT-OF-WAY); THENCE NORTH 32°53'59" WEST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 76.00 FEET; THENCE NORTH 57°06'08", A DISTANCE OF 200.00 FEET; THENCE NORTH 32°53'01" WEST, A DISTANCE OF 200.00 FEET; THENCE NORTH 32°59'00" WEST, A DISTANCE OF 149.50 FEET; THENCE NORTH 57°08'15" EAST, 220.00 FEET; THENCE NORTH 32°59'00" WEST, 110.00 FEET; THENCE SOUTH 57°08'15" WEST A DISTANCE OF 168.52 FEET TO THE EASTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 725 PAGE 1751 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 32°54'05" WEST ALONG SAID NORTHERLY LINE 71.89 FEET TO THE SOUTHERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 782 PAGE 424 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE NORTH 57°06'04" EAST ALONG THE SOUTHERLY LINE OF SAID LANDS, 208.71 FEET; THENCE NORTH 32°53'56" WEST ALONG THE EASTERLY LINE OF SAID LANDS 208.71 FEET; THENCE SOUTH 57°06'04" WEST ALONG THE NORTHERLY LINE OF SAID LANDS 208.71 FEET TO THE AFORESAID EASTERLY LINE OF OFFICIAL RECORDS BOOK 725 PAGE 1751; THENCE NORTH 32°54'50" WEST ALONG SAID EASTERLY LINE 262.62 FEET TO THE NORTHERLY LINE OF SAID LANDS; THENCE SOUTH 57°06'03" WEST ALONG SAID NORTHERLY LINE 275.00 FEET TO THE AFORESAID NORTHEASTERLY RIGHT-OF-WAY LINE OF U.S. 17; THENCE NORTH 32°54'05" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 1397.51 FEET; THENCE NORTH 57°06'05" EAST, A DISTANCE OF 1263.89 FEET; THENCE SOUTH 65°17'26" EAST, A DISTANCE OF 3081.09 FEET TO A POINT ON THE NORTHWESTERLY RIGHT-OF-WAY OF INTERSTATE 95 (HAVING A VARIABLE RIGHT-OF-WAY); THENCE SOUTH 26°44'40" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 109.23 FEET; THENCE SOUTH 24°42'19" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 882.23 FEET; THENCE SOUTH 24°42'03" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 181.41 FEET TO THE POINT OF BEGINNING.

CONTAINING 149.88 ACRES MORE OR LESS.

### **SECTION 3. AMENDMENT (continued)**

The following described property is reclassified from Agricultural (AG) and Commercial (C) to Conservation I. The limits of the Conservation area are subject to minor refinement to reflect the more exacting description when the property has been issued an Environmental Resources Permit by the St. Johns River Water Management District. Upon the effective date of this Ordinance, the Growth Management Department is hereby authorized to amend the Future Land Use Map (FLUM) to reflect this change.

**LESS AND EXCEPTING THE FOLLOWING JURISDICTIONAL WETLANDS, LOCATION BEING APPROXIMATE PER INFORMATION PROVIDED BY GILLETTE & ASSOCIATES.**

**ALL THAT CERTAIN PIECE OR PARCEL OF LAND, LYING AND BEING A PORTION OF SECTION 2, TOWNSHIP 3 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND A PORTION OF SECTION 35, TOWNSHIP 4 NORTH, RANGE 26 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:**

**FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SECTION 2, AS MENTIONED; THENCE SOUTH 89°19'34" WEST A DISTANCE OF 171.24 FEET ON THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 95 (HAVING A VARIABLE RIGHT-OF-WAY WIDTH) AND BEING THE POINT OF BEGINNING; THENCE SOUTH 24°42'03" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 468.18 FEET; THENCE SOUTH 28°44'24" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 232.65 FEET TO THE NORTHERLY LINE OF THOSE LANDS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 1088, PAGE 1577 OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTHERLY LINE AND THE WESTERLY LINES OF SAID LANDS RUN THE FOLLOWING TWO (2) COURSES AND DISTANCES; COURSE NO. (1) NORTH 61°15'36" WEST 49.85 FEET; COURSE NO. (2) SOUTH 28°44'24" WEST 109.52 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 70°01'40" WEST A DISTANCE OF 475.62 FEET; THENCE NORTH 32°52'57" WEST A DISTANCE OF 1.13 FEET; THENCE NORTH 45°36'25" EAST A DISTANCE OF 97.67 FEET; THENCE NORTH 26°37'57" WEST A DISTANCE OF 137.25 FEET; THENCE NORTH 31°27'08" WEST A DISTANCE OF 100.84 FEET; THENCE NORTH 36°39'52" WEST A DISTANCE OF 221.47 FEET; THENCE NORTH 29°46'36" WEST A DISTANCE OF 119.77 FEET; THENCE NORTH 39°06'43" WEST A DISTANCE OF 102.61 FEET; THENCE NORTH 54°38'41" EAST A DISTANCE OF 116.16 FEET; THENCE NORTH 64°06'35" EAST A DISTANCE OF 120.73 FEET; THENCE NORTH 13°36'00" EAST A DISTANCE OF 160.24 FEET; THENCE NORTH 21°06'19" WEST A DISTANCE OF 72.93 FEET; THENCE NORTH 80°14'14" WEST A DISTANCE OF 107.02 FEET; THENCE NORTH 67°44'30" WEST A DISTANCE OF 91.64 FEET; THENCE NORTH 56°04'38" EAST A DISTANCE OF 223.32 FEET; THENCE NORTH 65°08'26" EAST A DISTANCE OF 214.73 FEET; THENCE SOUTH 64°54'00" EAST A DISTANCE OF 70.08 FEET; THENCE NORTH 72°25'44" EAST A DISTANCE OF 116.66 FEET; THENCE SOUTH 62°50'40" EAST A DISTANCE OF 368.19 FEET; THENCE SOUTH 14°06'10" WEST A DISTANCE OF 88.98 FEET; THENCE SOUTH 69°26'41" WEST A DISTANCE OF 317.77 FEET; THENCE SOUTH 41°58'49" WEST A DISTANCE OF 116.11 FEET; THENCE SOUTH 01°48'31" EAST A DISTANCE OF 203.73 FEET; THENCE SOUTH 22°44'57" EAST A DISTANCE OF 20.11 FEET; THENCE NORTH 30°10'57" EAST A DISTANCE OF 106.24 FEET; THENCE NORTH 27°39'56" EAST A DISTANCE OF 194.07 FEET; THENCE SOUTH 35°11'38" EAST A DISTANCE OF 53.83 FEET TO THE POINT OF BEGINNING.**

**CONTAINING APPROXIMATELY 11 ACRES.**

#### **SECTION 4. ADOPTING NEW POLICY 1.09.08(b)**

A new Policy 1.09.08 of the Future Land Use Element to the Nassau County Comprehensive Plan is hereby created and adopted and shall read as follows:

1.09.08 Notwithstanding the entitlements provided under this Comprehensive Plan, certain property owners have voluntarily proffered, and Nassau County does hereby accept, that subject to compliance with all applicable development standards and procedures that they agree to limit the yield of their property in accordance with the following schedule:

- a) Approximately 25 acres in Section 39, Township 2N, Range 26 East and Section 44, Township 2N, Range 27 East located in the northeast quadrant of the interchange of Interstate 95 and S.R. 200 lying north of the electric transmission line easement recorded in O.R. 123 at page 284. This property was the subject of CPA06-007 and is owned by Corporate Realty Advisors of Jacksonville Beach. Said parcel is limited to 250,000 square feet of shopping center, ITE Code 820 or an equivalent commercial use, or combination of uses, generating no more than 982 new p.m. peak hour trips (total trips minus pass-by trips).
- b) Approximately 149.88 acres lying in Section 35, Township 4N, Range 26 East and Section 02, Township 3N, Range 26 East located in the northwest quadrant of the interchange of Interstate 95 and U.S. Highway 17. This property was the subject of CPA08-005 and is owned by 17/95 RV Park LLC of Fernandina Beach. Said parcel is limited to 1,209,300 square feet of General Light Industrial, ITE Code 110 or an equivalent combination of industrial uses generating no more than 1,572 p.m. peak hour trips.

#### **SECTION 5. EFFECTIVE DATE**

This Ordinance shall be filed with the Office of the Secretary of State. This Ordinance shall become effective upon the earlier of:

- i. The Department of Community Affairs issues a final order determining the adopted amendment is found to be in compliance; or

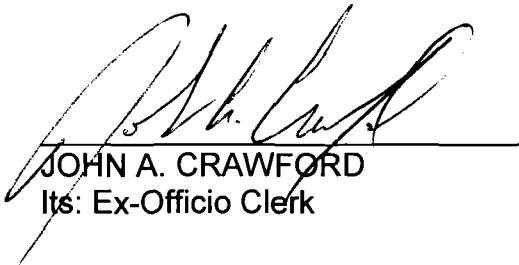
- ii. The Administration Commission issues a final order determining the adopted amendment to be in compliance.

ADOPTED THIS 8th DAY OF December, 2008 BY THE BOARD  
OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

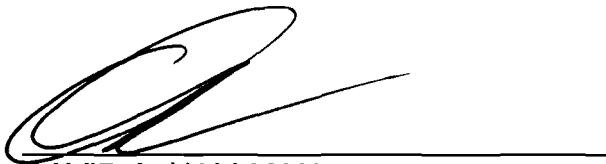
BOARD OF COUNTY  
COMMISSIONERS,  
NASSAU COUNTY, FLORIDA

  
\_\_\_\_\_  
BARRY HOLLOWAY  
Its: Chair

ATTEST as to Chairman's Signature:

  
\_\_\_\_\_  
JOHN A. CRAWFORD  
Its: Ex-Officio Clerk

Approved as to form by the  
Nassau County Attorney

  
\_\_\_\_\_  
DAVID A. HALLMAN,  
County Attorney