

ORDINANCE NO. 95 - 2
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, INC., owner of the real property described in this Ordinance has applied to the Board of County Commissioners to reclassify a thirty-two (32) acre site from LOW DENSITY RESIDENTIAL (up to a maximum of two (2) units per acre) to COMMERCIAL on the Future Land Use Map of Nassau County; and

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

WHEREAS, the Board of County Commissioners held a transmittal hearing on April 25, 1994, 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 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

WHEREAS, taking into consideration the above recommendations and responses, the Board of County Commissions 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:

SECTION 1: PROPERTY RECLASSIFIED: The real property described in Section 2 is reclassified from LOW DENSITY RESIDENTIAL (up to a maximum of two (2) units per acre) to COMMERCIAL 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, INC.**, and is described as follows:

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

SECTION 3: The objections and recommendations of the Department of Community Affairs are set forth in the attached Exhibit "B", and have been addressed by the Board of County Commissioners, and the responses that are adopted are set forth on Exhibit "B".

SECTION 4: 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 find 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, 2740 Centerview Drive, Tallahassee, FL, 32399-2100.

ADOPTED this 24th day of October, 1994.

**CERTIFICATE OF AUTHENTICATION
ENACTED BY THE BOARD**

**BOARD OF COUNTY COMMISSIONERS OF
NASSAU COUNTY, FLORIDA**

ATTEST:

T.J. Greeson by Janice R. Cason
T.J. GREESON *Deputy Clerk*
Its: Ex-Officio Clerk

BY:

John A. Crawford
JOHN A. CRAWFORD
Its: Chairman

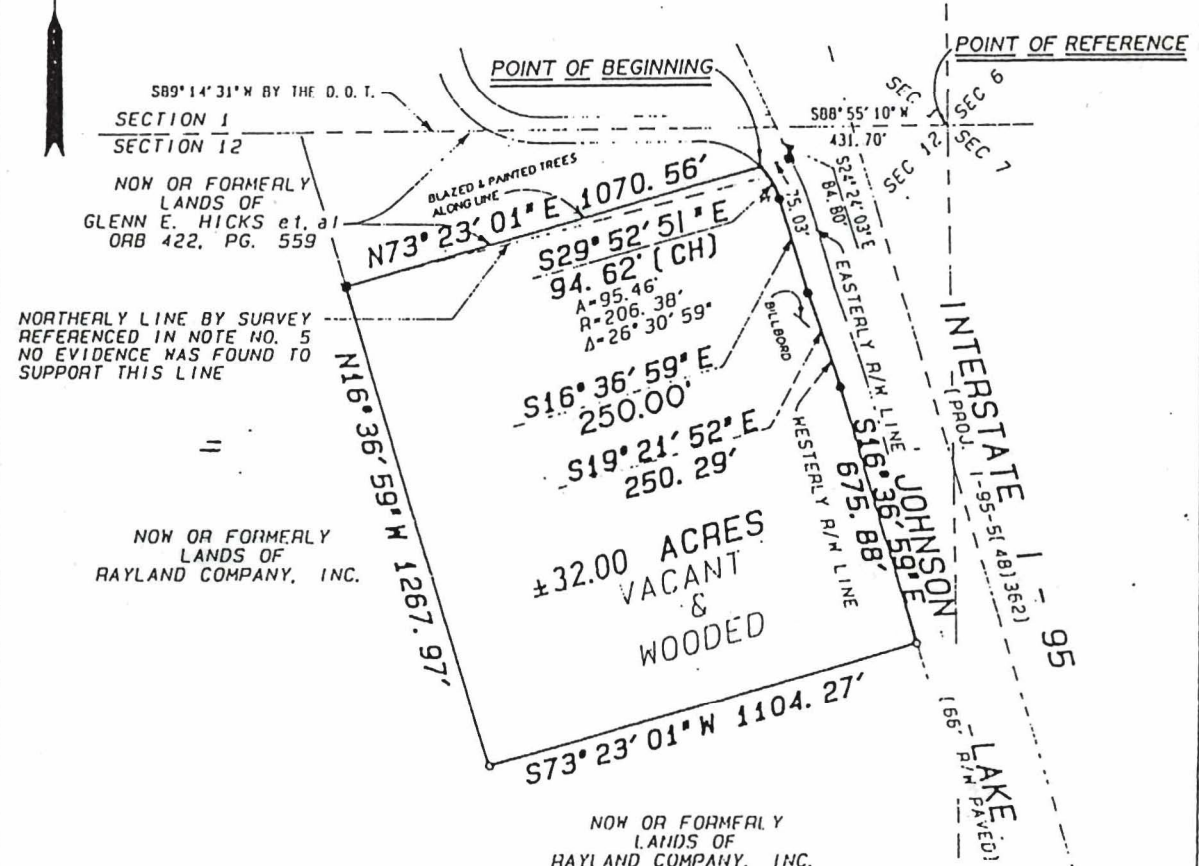
Approved as to form by the
Nassau County Attorney

Michael S. Mullin
MICHAEL S. MULLIN

EXHIBIT "A"

MAP TO SHOW BOUNDARY SURVEY OF
 A PORTION OF SECTION 12,
 TOWNSHIP 2 NORTH, RANGE 26 EAST,
 NASSAU COUNTY, FLORIDA

Development Inc.
 FOR: FISHER MANAGEMENT COMPANY



589°14'31"W BY THE D. O. T.
 SECTION 1
 SECTION 12
 NOW OR FORMERLY
 LANDS OF
 GLENN E. HICKS et al
 ORB 422, PG. 559

NORTHERLY LINE BY SURVEY
 REFERENCED IN NOTE NO. 5
 NO EVIDENCE WAS FOUND TO
 SUPPORT THIS LINE

NOW OR FORMERLY
 LANDS OF
 RAYLAND COMPANY, INC.

NOW OR FORMERLY
 LANDS OF
 RAYLAND COMPANY, INC.

- NOTES:
- 1). BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF S 16°-36'-59" EAST FOR THE WESTERLY RIGHT-OF-WAY LINE OF JOHNSON LAKE ROAD AS SHOWN ON DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS FOR PROJECT NO. 1-95-5(48)362.
 - 2). THIS SURVEY WAS DONE WITHOUT THE BENEFIT OF A TITLE ABSTRACT.
 - 3). A PORTION OF THE SUBJECT PROPERTY POSSIBLY FALLS UNDER THE WETLAND JURISDICTION OF STATE AND FEDERAL GOVERNMENTAL AGENCIES. NO ATTEMPT TO DETERMINE THE LIMITS OF THE JURISDICTION IS MADE OR IMPLIED BY THIS SURVEY.
 - 4). LEGAL DESCRIPTIONS ARE FURNISHED SEPERATF.
 - 5). REFERENCE SURVEY BY CARL MITCHELL FOR ITT RAYONIER DATED 12-6-85.

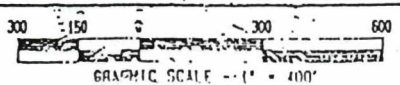
LEGEND

- CONCRETE MONUMENT FOUND
- 5/8" REBAR FOUND (D. O. T.)
- 1/2" IRON PIPE SET

CERTIFICATE: THIS SURVEY COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS SET FORTH BY THE FLORIDA BOARD OF LAND SURVEYORS, PURSUANT TO SECTION 472.027 FLORIDA STATUTES

Park D. Privett, Jr.
 PARK D. PRIVETT, JR.
 FL. REG. LAND SURVEYOR NO. 2341

DATE: 11-8-93



PREPARED BY:
 PRIVETT AND ASSOCIATES
 SURVEYORS AND LAND PLANNERS
 1320 GA. HIGHWAY 40 E.
 ST. MARYS, GEORGIA 31558
 (912) 882-3738

EXHIBIT "B"

OBJECTIONS and RESPONSES

1. While the data and analysis addresses the estimated amounts of potable water will be needed to serve the proposed project, and the estimated amount of sewage and solid waste that will be generated by the proposed outlet mall, the analysis does not address whether there is available capacity to serve the development. For example, the data and analysis states that Jacksonville Suburban Utilities will provide water to the site and that it is estimated that the project will use 180,000 gallons of water per person per day at peak conditions. However, an analysis of the availability of facility capacity for the Jacksonville Suburban Utilities water system and the demand the project will have on the facility capacity is not included in the supporting data and analysis, and it is not known if capacity is available to serve the project. (Rules 9J-5.005 (2); 9J-5.011(1)(e) and (f), (2)(b)2., (3)(c)2.d.; 9J-5.016 (2)(3), (3)(b)1., 2. and 5., (3)(c)4. and 6.; 9J-11.006(1)(b)4.; 9J-11.006(3); and 9J-11.007, F.A.C.)

NASSAU COUNTY'S RESPONSE

a. Potable water and sewage: Since filing the application the applicant have continued discussions with Jacksonville Suburban Utilities (JSU). At this time, it does not appear that JSU is in a position to provide service within the subject area of their franchise area in a timely matter to serve the outlet center. Therefore, the applicant has commenced analysis, design and permitting of on-site systems. Water will be obtained from on-site wells. An advanced treatment package plant with an effluent disposal field located under the parking lots will be used for sewage disposal. These systems are fully permittable. Since those portions of the parking lot located over the drain field will be porous, the system have positive impacts on the stormwater system. When JSU is able to serve the site, the applicant will evaluate options for joining JSU's system. Since the applicant has no strong desire to remain in the utility business, the preferred option is to turn the facilities over to JSU.

b. Solid waste: Since preparation of the data and analysis section of the Comprehensive Plan in 1991, Nassau County has opened a new landfill and established new operational procedures. The new landfill has the capacity to serve the County's projected population growth as contemplate in the Plan. As stated in the original application, the applicant will institute a significant recycling program.

2. The amendment changes the density and intensity of use; however, the data and analysis does not address the impacts to recreational facilities. While the amendment will not increase the impacts to recreational facilities, the amendment will decrease the need for recreational facilities, and the data and analysis does not reflect this impact. (Rules 9J-5.005(2); 9J-1.014(2)(b), (3)(b)2. and (3)(c)4.; 9J-5.016 (2)(e), (3)(b)1., 3. and 5., (3)(c)4. and 6.; 9J-11.006(1)(b)4.; 9J-11.006(3); and 9J-11.007, F.A.C.)

NASSAU COUNTY'S RESPONSE

While the proposed amendment does remove 32 acres from the low density residential land use category, there is no need to revise the data and analysis of the plan or recreational facilities needs of the plan. First, Nassau County's Plan, through the densities allowed in the Agricultural and Residential land use classifications, can absorb far more population than the required forecasts envisage. Given this situation, the change will not, in fact, reduce the population capacity of the plan. Second, 32 acres is such a small portion of the population capacity of Nassau County that its impacts are insignificant within the recreational use models used in the plan.

3. No data and analysis has been included that addresses the impacts to the plan's population, housing, and land use projections. The amendment will decrease the amount of low density residential land that is available for development, and will alter the projected amount of land and housing units to serve the population and will increase the amount of commercial land available for development. The amendment could also affect the population projections found in the plan. (Rules 9J-5.005(2); 9J-5.006(2)(c), (3)(b)1., (3)(c)3. and (4); 9J-11.006(3); and 9J-1.007, F.A.C.)

NASSAU COUNTY'S RESPONSE

See response paragraph 2.

4. The amendment does not adequately protect natural resources, specifically wetlands. The data and analysis proposes to alter and fill the approximately 6.1 acres of wetlands on the site. However, this is not consistent with the currently adopted wetland protection policies of the plan. Policy 1.02.05, paragraph H, Policy 1.02A.02 and Policy 5.11.01 require that all lands with wetlands in private ownership are to be designated "Conservation" and included under a Limited Development Overlay, with a density of 1 dwelling unit per 5 acres, with development clustered on that portion of the site least impacted by

construction activities. Policy 6.02.02 requires that in order to preserve wetlands, development be reduced or prohibited on sensitive portions of the site. (Rules 9J-5.005(2); 9J-5.006(2)(b), (3)(b)1. and 4., (3)(c)1. and 6., and (4); 9J-5.013(1)(a) and (b), (2)(b)3.and 4., and (2)(c)3., 6. and 9.; 9J-11.006(3); and 9J-11.007, F.A.C.)

NASSAU COUNTY'S RESPONSE

While the site does contain wetlands as defined by DEP and SJRWMD, it does not contain any wetlands as mapped on the Future Land Use Map, and, therefore, is protected by cited policies of the Comprehensive Plan. As stated in the original amendment applications, the wetlands found on the site, as defined by other agencies and instruments other than the Comprehensive Plan, will be mitigated for as permitted by the rules, regulations and procedures of those agencies.

5. The data and analysis does not address how the amendment is consistent with specific objectives and policies of the plan. (Rules 9J-5.005(2) and (6); 9J-5.006(3)(b) and (c) and (4); 9J-5.007(3)(b) and (c) and (4); 9J-011(2)(b) and (c); 9j-5.013(2)(b) and (c); 9J-5.014(3)(b) and (c); 9J-5.016 (3)(b) and (c); 9J-11.006(3); and 9J-11.007, F.A.C.)

NASSAU COUNTY'S RESPONSE

The following is a summary of points at which the proposed amendment is consistent with and furthers the policies of the Comprehensive Plan:

a. Objective 1.01: Coordinate Future Land Use: Policies furthered:

(1) 1.01.01: All stormwater and effluent will be treated on site in accordance with specific permit authorities.

(2) 1.01.03: All environmental agency regulations will be complied with.

(3) 1.01.04: All issues related to infrastructure have been addressed.

(4) 1.01.05: All Nassau County development standards will be met or exceeded.

(5) 1.01.06: Post development stormwater conditions will be at least as good as pre-development conditions.

(6) 1.01.07: The site is not in a regulated flood zone.

b. Objective 1.02: Land Use Compatibility: Policies furthered:

(1) 1.02.02: The proposed use is compatible with

adjacent commercial uses.

(2) 1.02.05: The site does not overlay any "conservation" et al conditions. The proposed use is consistent with the Commercial district definitions of the plan. This policy relates to Land Development Regulations not Comprehensive Plan amendments. Moreover, specific policies in 1.02.05 relate only to parcels of land which overlay specifically defined "Conservation", "Wetland", and "Floodplain" areas depicted on Figures F-1, F-2, and F-3, respectively. Review of the applicable maps indicate this site is not contained within the areas designated as "Conservation", "Wetlands", or "Flood Plains".

c. Objective 1.03: Inconsistent Land Use: Policies furthered:

(1) 1.03.05: The proposed use will meet all Nassau County standards.

d. Objective 1.04A: Protection of Natural Resources: Policies furthered:

(1) 1.04A.02: The site does not involve "conservation" areas as defined in the Plan. This policy relates only to lands in the "Conservation" classification. Accordingly, this policy does not relate to the proposed amendment. Additionally, even if the wetlands portion of this element were erroneously considered to stand alone, examination of the FLUM and the Wetlands Map, Figure F-2, shows that this site contains no wetlands as envisioned in the Comprehensive Plan.

(2) 1.04A.04: The development will meet all stormwater requirements.

(3) 1.04A.06: The site does not impact any protected wellheads.

(4) 1.04A.08: The site will not contain any septic tanks.

e. Objective 1.04B: Historical: The site does not contain any identified historical resources.

f. Objective 1.05: Hurricane Evacuation: Development of the site furthers this objective of the plan by providing development that is outside of high risk and evacuation areas.

g. Objective 1.06: Discourage Urban Sprawl: Policies furthered:

(1) 1.06.01: Public facilities will be provided concurrent with the proposed development. The applicant will upgrade the access system and provide sewer and water facilities which will eventually be turned to the franchise provider. The Nassau County landfill has adequate capacity.

h. Objective 2.01: Level of Service: Policies furthered:
(1) The development will be consistent with established level of service standards and will provide improvements concurrent with development. An Application for a Concurrency Reservation Certificate has been filed by applicant.

i. Objective 2.03: Right of Way Protection: Policies furthered:

(1) 2.03.01: Minimum ROW standards will be met.
(2) 2.03.02 and 2.03.03: The development will provide ROW as determined by Nassau County.

j. Objective 2.05: Site Traffic: Policies furthered:

(1) 2.05.01: Internal circulation will be provided.
(2) 2.05.02: The site roadways will be consistent with all Nassau County standards.
(3) 2.05.03: As stated below, the development will have safe access to and improve the functioning major roads.
(4) 2.05.04: Access to the development will be as directed by the County and FDOT.
(5) 2.05.05: The development will provide safe and adequate circulation and parking.

k. Objective 2.06: Coordination: Policies furthered:

(1) 2.06.01: The applicant has coordinated with FDOT and Nassau County.

l. Objective 3.01: Housing demand: This is not a housing project. However, it does provide a large number of jobs in relatively close proximity to a strong supply of affordable housing. With some sixty percent (60%) of Nassau County's employed workers community to jobs outside Nassau County, mainland Nassau County needs jobs that are in such balance with it housing stock.

m. Objective 4.01: Infrastructure Needs: Policies furthered:

(1) 4.01.01: The development will not deteriorate any LOS standards of Nassau County.
(2) 4.01.02: The applicant will make improvements that will improve the LOS on S.R.-A1A.
(3) 4.01.05: The project is within a utility franchise area and should help support the provision of services within the area.

n. Objective 4.02: Correcting Deficiencies: Policies furthered:

(1) 4.02.01: The applicant will support and the County will revise the CIP to accommodate improvements on A1A.

o. Objective 4.03: Discourage Urban Sprawl: Policies furthered:

(1) 4.03.01: The applicant is encouraging the franchise utility to provide sewer and water service, will continue to do so, and will negotiate integrated service when central service is provided.

(2) 4.03.03: Improvements for local access will include ROW adequate for utility service.

p. Objective 4.04: Water Resources: Policies furthered:

(1) 4.01.01 and 4.01.02: The site is not in a prime recharge area.

(2) 4.04.03: The project will use water efficient plumbing and irrigation devices.

(3) 4.04.05: The project will use a percolation system for interim treated effluent disposal and will investigate the potential of using treated effluent for irrigation.

q. Objective 4.05B: Drainage Features: Policies furthered:

(1) 4.05B.03: The project does not impact wetlands mapped in the FLUM.

(2) 4.05B.05: The project will meet County drainage standards.

(3) 4.05B.06: The project will be engineered so that post-development runoff will not exceed pre-development.

r. Objective 5.03: Hurricane Evacuation: The project furthers all policies of this objective by directing development away from high hazard areas.

s. Objective 5.11.01: This policy relates to Comprehensive Plan Goal 5.0 and Objective 5.11, both relating to the preservation of Coastal Resources. Review of the Coastal Management section of the Comprehensive Plan clearly demonstrates that this particular site is not considered to be in the Coastal area. Accordingly, Policy 5.11.01 is not applicable to this site. Again, if one were to erroneously try to apply this policy to this site, examination of the adopted FLUM and the "Wetlands" map indicates this site contains no designated wetlands.

t. Objective 6.01: Ground Water: Policies furthered:

(1) 6.01.01: Wastewater effluent will be percolated.

(2) 6.01.03: Service will be provided concurrent with development.

(3) 6.01.04: The applicant will provide water use data to support this study.

(4) 6.01.07: The applicant will use the water conservation measures.

(5) 6.01.08: The applicant will use water conserving devices.

u. Objective 6.02: Ecological Systems: Policies furthered:

(1) 6.02.01 and 6.02.03: The development is an extension of existing development and as such does not provide new intrusions into habitat areas.

(2) 6.02.02: The site does not contain wetlands as defined in the Comp Plan and on the FLUM. Wetlands under other definitions that will be disturbed will be mitigated off-site per appropriate regulation. This policy relates to the general concept of recommending clustering for projects based on consideration of size of project and sensitivity of the land. First, since this is only a recommendation, it is not self-executing. Second, the size and nature of this development do not lend itself to PUD or clustering. Finally, although the site does contain wetlands, they are not those significant wetlands mapped and adopted in the Comprehensive Plan.

(3) 6.02.04: The stormwater system will maintain established flow patterns.

(4) 6.02.05: The site is not in a floodplain or floodway.

v. Objective 6.03: Wastewater: Policies furthered:

(1) 6.03.01 through 6.03.04: The project will not use septic tanks.

(2) 6.03.05 and 6.03.06: The wastewater system will meet all standards.

w. Objective 7.01: Recreation, and Objective 7.02: Recreation access: Policies furthered: The project does not impact any County recreation facilities or resources or access to such resources.

x. Objective 9.01: Capital Improvements: Policies furthered: The developer will cause the necessary improvements to the access system to be funded and the County will incorporate these funds into the CIP, as may be necessary.

6. A revised Future Land Use Map that depicts the new commercial land use has not been included. (Rules 9J-5.005(1)(c)5. and (3), (2) and (6); 9J-11.006(3), F.A.C.)

NASSAU COUNTY'S RESPONSE

The revised FLUM is attached hereto as Exhibit A-3

7. The proposed amendment will impact a roadway on the Florida Intrastate Highway System, State Road A-1-A, west of Interstate 95, and cause the conditions on the roadway to fall below acceptable level of service standards. See also the attached comments from the Florida Department of Transportation (FDOT). The analysis does not address the need for new facilities or expansions to accommodate the impacts of the development, the roadway improvement projects are not included in the County's Five Year Capital Improvements Schedule, and the analysis does not demonstrate that the roadway improvement projects to accommodate the impacts of the development are financially feasible. (Rules 9J-5.005(2); 9J-5.0055; 9J-5.006(2), (3)(b)1., (3)(c)3. and 4., (4); 9J-5.007(2), 3(b)1., 2., and 3., (3)(c)1., 2. and 3, and (4); 9J-5.016(1) and (2), (3)(b)1., 3., 4., and 5., (3)(c)4.-6., 8., and 9., and (4); 9J-11.006(3); and 9J-11.007, F.A.C.)

NASSAU COUNTY'S RESPONSE

The applicant will cause the improvements that FDOT is requesting for A1A, Johnson Lake Road, and a new access road to be made in two stages: First, the new entry road will be built approximately 1,320' west of the present interchange median opening; A1A will be widened to four lanes to an appropriate distance west of the new road with a full raised median with openings at the new westward Outlet Center road and at Johnson Lake Road; and a cul-de-sac and barricade will be installed at the south end of Johnson Lake Road to separate it from the new entry road. This concept is illustrated on Exhibit A-1, attached. Second, upon a time certain to be determined with FDOT, the median opening in A1A at Johnson Lake Road will be closed and the cul-de-sac and barricade removed to reconnect Johnson Lake Road to the new entry road. This concept is illustrated on Exhibit A-2 attached hereto. The applicant and Nassau County will meet with FDOT and execute an agreement on the traffic conditions that will create the "time certain" for the second step.

RECOMMENDATIONS

Revise the amendment to include data and analysis of the availability of capacity and the demand on potable water, sanitary sewer and solid waste facilities. The analysis should reflect the impacts of this amendment and all other amendments in this amendment package. For example, the analysis of solid waste facility impacts should reflect the cumulative impacts of the Outlet Mall project and the impacts of the Amendment CPA-94-001 (Crane Island). If the data and analysis relies on original plan data and analysis or the data and analysis of a previous

amendment to support this amendment, provide a referenced to the specific portions of the plan or previous amendment where the data and analysis can be found.

Revise the amendment to reflect the decreased need for recreational facilities and the impacts to the plan's population, housing and land use projections.

Include data and analysis to demonstrate how the wetlands on the site will be conserved and protected, consistent with Policies 1.02.05(paragraph H), 1.04A.02, 5.11.01 and 6.02.02.

Include data and analysis that address how the amendment is consistent with specific objectives and policies of the plan. The elements of the plan that the data and analysis should focus on include Future Land Use, Infrastructure, Conservation, and Capital Improvements.

Include a revised Future Land Use Map that depicts the new commercial land use.

Coordinate with FDOT on traffic impacts for the proposed land use changes. In order to mitigate the traffic impacts to State Road A-1-A, the amendment should be revised to include the traffic mitigation actions as specified in the attached FDOT letter to Charles Pattison of August 17, 1994.

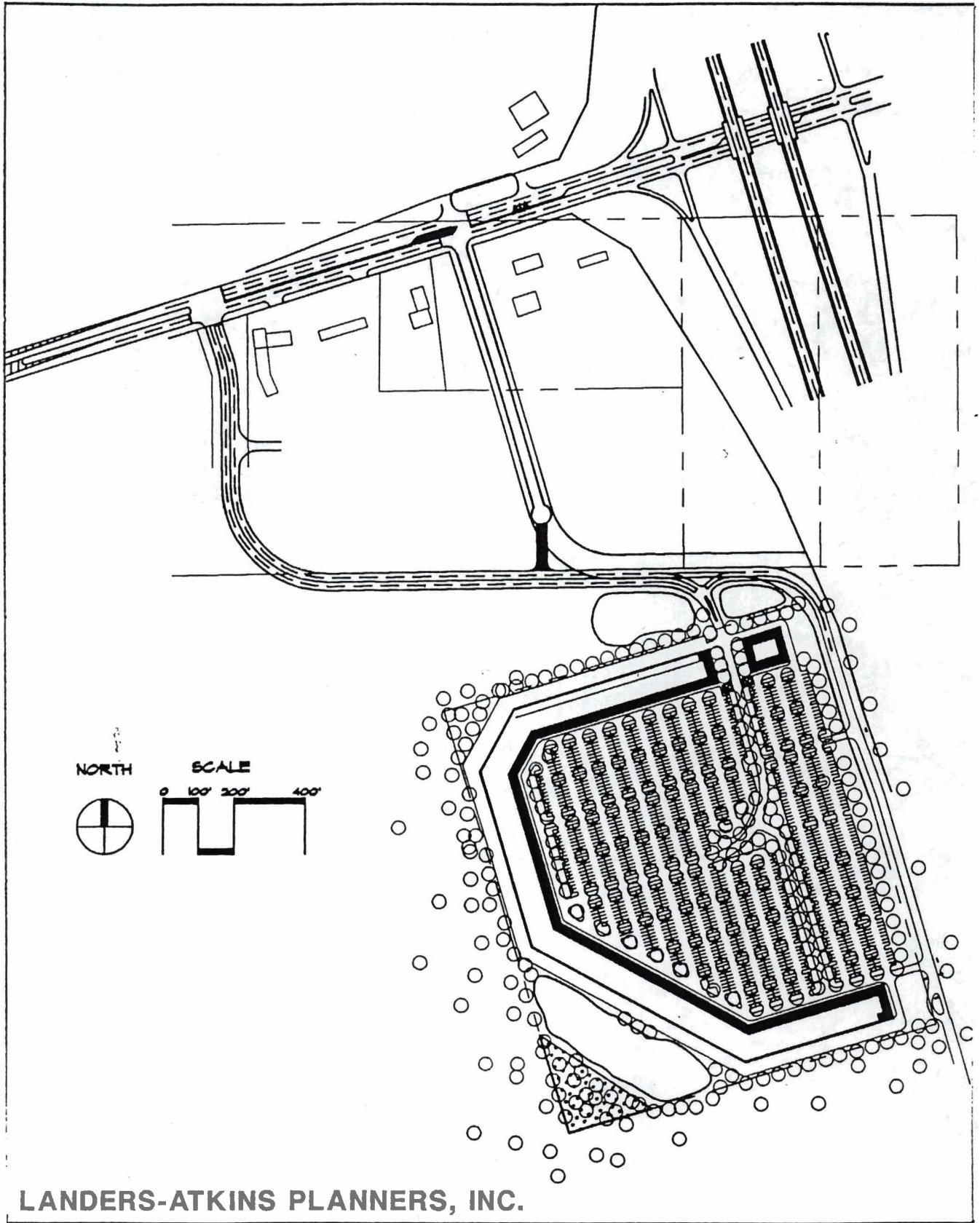
Revise the Five Year Capital Improvements Schedule to include the roadway improvement projects to accommodate the impacts of the development and include data and analysis to demonstrate that the roadway improvement projects are financially feasible.

Revise the amendment to reflect the new data and analysis as specified above.

NASSAU COUNTY'S RESPONSE

Coordination: Since obtaining the ORC Report, the applicant has coordinated with the following:

- a. Florida Department of Transportation.
- b. Northeast Florida Regional Planning Council.
- c. Johnson Lake area residents.
- d. Businesses on A1A west of I-95



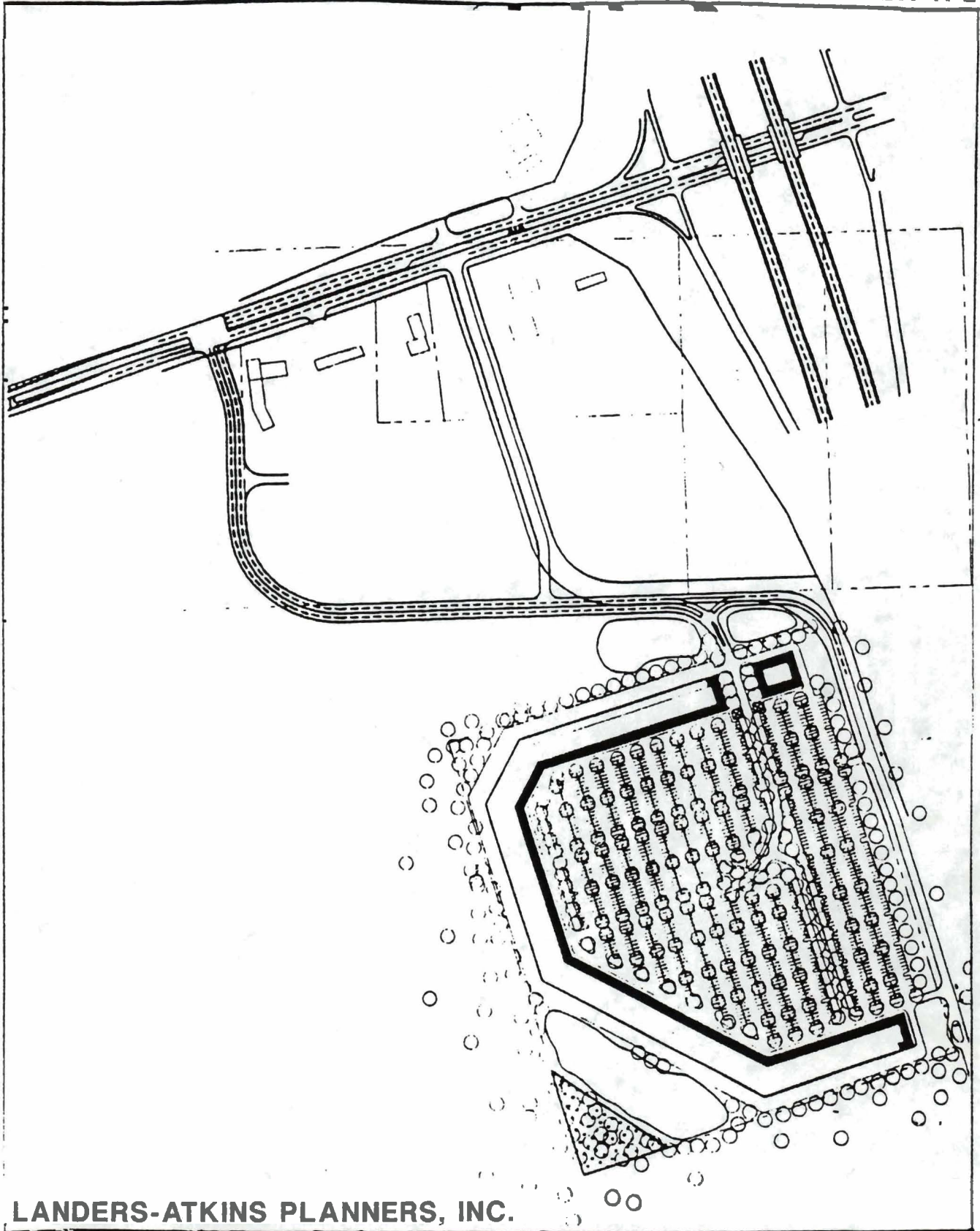
LANDERS-ATKINS PLANNERS, INC.

GENERALIZED SITE PLAN REVISED 10/24/94

COMPREHENSIVE FUTURE LAND USE MAP CHANGE
NASSAU COUNTY FLORIDA

FISHER DEVELOPMENT INC.

SCALE: 0 100 



LANDERS-ATKINS PLANNERS, INC.

GENERALIZED SITE PLAN REVISED 10/24/94

COMPREHENSIVE FUTURE LAND USE MAP CHANGE
NASSAU COUNTY FLORIDA

FISHER DEVELOPMENT INC.

SCALE: 0 400










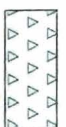
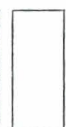


ADOPTED AMENDMENT 94-1 (CPA 94-002)

FUTURE LAND
USE MAP

- 2005 -

NASSAU COUNTY
FLORIDA

LEGEND

- | | | |
|---|---------------------------|---------|
|  | RURAL | 1 du/a |
|  | LOW DENSITY | 2 du/a |
|  | MEDIUM DENSITY | 5 du/a |
|  | HIGH DENSITY | 12 du/a |
|  | COMMERCIAL | |
|  | INDUSTRIAL | |
|  | AGRICULTURAL | |
| CONSERVATION: | | |
|  | STATE FOREST | |
|  | WATER | |
|  | WETLANDS | |
|  | PUBLIC BLDGS. AND GROUNDS | |

