

ORDINANCE 2005 - 75

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF NASSAU COUNTY, ORDINANCE NO. 91-04, AS AMENDED, PURSUANT TO THE LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND DEVELOPMENT REGULATION ACT (CHAPTER 163, PART II, FLORIDA STATUTES); SPECIFICALLY RECLASSIFYING PROPERTY FROM INDUSTRIAL TO HIGH DENSITY RESIDENTIAL ON THE FUTURE LAND USE MAP; PROVIDING SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 125, Florida Statutes, empowers the Board of County Commissioners of Nassau County to prepare and enforce comprehensive plans for the development of the County; and

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes, the Local Government Comprehensive Planning and Land Development Regulation Act, empowers and requires the Board of County Commissioners of Nassau County to (a) plan for the County's future development and growth; (b) adopt and amend comprehensive plans or elements or portions thereof, to guide the future growth and development of the County; (c) implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations; and (d) establish, support, and maintain administrative instruments and procedures to carry out the provisions and purposes of the Act; and

WHEREAS, the Nassau County Planning and Zoning Board has been established pursuant to Nassau County Ordinance No. 74-33; and

WHEREAS, pursuant to Section 163.3174(1), Florida Statutes, the Board of County Commissioners of Nassau County, by Ordinance No. 83-19, duly designated the Planning and Zoning Board as the Local Planning Agency for the unincorporated area of Nassau County; and

WHEREAS, on the 28th day of January, 1991, the Board of County Commissioners of Nassau County, Florida, did adopt Ordinance 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, Johnny L. Dudley, Daniel P. Dudley and Gary L. Dudley, owners, seeks to reclassify land designated on the Future Land Use Map from Industrial to High Density Residential; and

WHEREAS, the Nassau County Planning And Zoning Board held duly noticed public hearings to address the requested Amendment to the Future Land Use Map and provided a recommendation to the Nassau County Board of County Commissioners on April 5, 2005; and

WHEREAS, the Board of County Commissioners held a transmittal hearing on April 25, 2005; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Board of County Commissioners transmitted copies of the proposed Future Land Use Map Amendment to the Department of Community Affairs as the State Land Planning

agency for written comment, and transmitted one (1) copy to each of the local government or governmental agencies in the State of Florida having filed with the Board of County Commissioners a request for a copy of the amended version of the Comprehensive Plan; and

WHEREAS, the Department of Community Affairs, by letter, has notified the County of its review of the proposed plan amendment and has offered no objections in its Objections, Recommendations, and Comments Report on the proposed plan amendment; and

WHEREAS, the Board of County Commissioners of Nassau County held an adoption hearing on October 24, 2005, continued to November 14, 2005, and further considered all oral and written comments received during the public hearing, as well as the Objections, Recommendations, and Comments Report of the Department of Community Affairs; and

WHEREAS, in exercise of its authority, the Board of County Commissioners has determined that the amendment on the Future Land Use Map of the Comprehensive Plan and the Reclassification of the land as set forth herein, is consistent with the overall Comprehensive Plan and Future Land Use Map, and the orderly development of Nassau County, Florida, and the specific area; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, public hearings have been held with due public

notice having been provided, on the Future Land Use Map amendment, reclassifying land designated Industrial to High Density Residential, and with written advance notice of such public hearings having been provided to the State Land Planning Agency;

NOW, THEREFORE, BE IT ORDAINED this 14th day of November, 2005, by the Board of County Commissioners of Nassau County, Florida, as follows:

1. **SECTION 1. PURPOSE AND INTENT.**

This Ordinance is enacted pursuant to the requirements of Chapter 163, Florida Statutes, and Chapter 9J-5, F.A.C. Specifically, the authority for this Ordinance is Section 163.3184, Florida Statutes. This Ordinance amends Ordinance 91-4, as amended.

2. **SECTION 2. PROPERTY RECLASSIFIED.**

The real property described in Section 3 is reclassified from Industrial to High Density Residential on the Future Land Use Map of Nassau County.

3. **SECTION 3. OWNER AND DESCRIPTION.**

The land reclassified by this Ordinance is owned by Johnny L. Dudley, Daniel P. Dudley and Gary L. Dudley, and is described as follows

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

4. **SECTION 4. SEVERABILITY.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

5. **SECTION 5.**

The Objections and Recommendations of the Department of Community Affairs are set forth in the attached Exhibit "B".

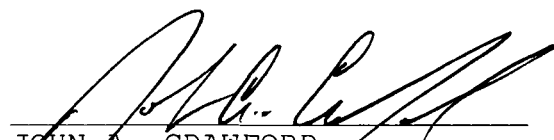
6. **SECTION 6. EFFECTIVE DATE.**

This Ordinance shall be filed with the Department of Community Affairs after adoption by the Board of County Commissioners. This Ordinance shall become effective upon notification by the Department of Community Affairs that the amendment is found to be in compliance, and upon receipt of the official notification by the Department of Community Affairs, this Ordinance shall become effective upon its being filed in the Office of the Secretary of State.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

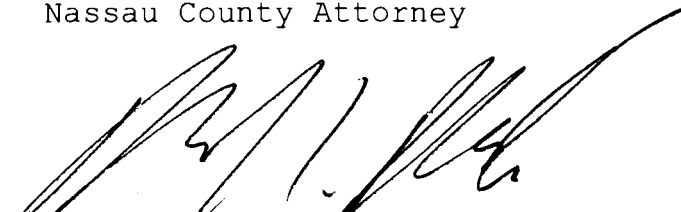

ANSLEY N. ACREE
Its: Chairman

ATTEST:



JOHN A. CRAWFORD
Its: Ex-Officio Clerk

Approved as to form by the
Nassau County Attorney



MICHAEL S. MULLIN

Exhibit C: Legal Description

A PART OF THE JOHN LOWE MILL GRANT, SECTION 37, TOWNSHIP 2 NORTH, RANGE 27 EAST, TOGETHER WITH A PART OF THE JOHN LOWE MILL GRANT IN SECTION 51, TOWNSHIP 3 NORTH, RANGE 27 EAST, NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: FOR A POINT OF REFERENCE, COMMENCE AT THE CENTERLINE OF THE RIGHT-OF-WAY INTERSECTION OF STATE ROAD NO. 200/A1A (A 184.00 FOOT RIGHT-OF-WAY BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS OF SECTION NO. 74060-2503) AND STATE ROAD NO. 200-A (A 100.00 FOOT RIGHT-OF-WAY AS NOW ESTABLISHED BY DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY MAPS SECTION NO. 74600-2150 AND 7460-175); THENCE NORTH 07°51'58" EAST, ALONG THE CENTERLINE OF SAID STATE ROAD 200-A, A DISTANCE OF 93.25 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF STATE ROAD NO. 200/A1A; THENCE NORTH 72°46'59" WEST, ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, A DISTANCE OF 50.68 FEET; TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF SAID STATE ROAD NO. 200-A; THENCE NORTH 07°51'58" EAST, ALONG SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1287.18 FEET; THENCE NORTH 72°46'59" WEST, LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1202.10 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 72°46'59" WEST, A DISTANCE OF 1552.27 FEET; THENCE NORTH 36°15'43" WEST, A DISTANCE OF 8.16 FEET; THENCE NORTH 16°11'14" WEST, A DISTANCE OF 63.01 FEET THENCE NORTH 06°45'37" WEST, A DISTANCE OF 41.71 FEET; THENCE NORTH 17°35'38" EAST, A DISTANCE OF 105.17 FEET; THENCE NORTH 35°57'53" EAST, A DISTANCE OF 35.45 FEET; THENCE NORTH 61°57'18" EAST, A DISTANCE OF 40.78 FEET; THENCE NORTH 16°33'20" EAST, A DISTANCE OF 57.92 FEET; THENCE SOUTH 75°15'16" EAST, A DISTANCE OF 493.03 FEET; THENCE SOUTH 15°52'21" WEST, A DISTANCE OF 40.34 FEET; THENCE SOUTH 02°00'36" WEST, A DISTANCE OF 33.96 FEET; THENCE SOUTH 05°50'35" EAST, A DISTANCE OF 40.38 FEET; THENCE SOUTH 26°19'04" EAST, A DISTANCE OF 36.49 FEET; THENCE SOUTH 36°56'24" EAST, A DISTANCE OF 30.62 FEET; THENCE SOUTH 06°21'17" WEST, A DISTANCE OF 42.36 FEET; THENCE SOUTH 60°38'14" WEST, A DISTANCE OF 31.18 FEET; THENCE SOUTH 71°07'10" WEST, A DISTANCE OF 38.58 FEET; THENCE SOUTH 04°31'31" WEST, A DISTANCE OF 59.60 FEET; THENCE SOUTH 75°40'22" EAST, A DISTANCE OF 46.05 FEET; THENCE NORTH 31°34'08" EAST, A DISTANCE OF 32.58 FEET; THENCE NORTH 16°28'16" EAST, A DISTANCE OF 38.04 FEET; THENCE NORTH 80°24'26" EAST, A DISTANCE OF 28.69 FEET; THENCE NORTH 38°45'07" EAST, A DISTANCE OF 52.18 FEET; THENCE NORTH 26°50'05" EAST, A DISTANCE OF 38.95 FEET; THENCE NORTH 11°42'37" EAST, A DISTANCE OF 43.78 FEET; THENCE NORTH 03°26'13" EAST, A DISTANCE OF 42.42 FEET; THENCE NORTH 25°24'09" EAST, A DISTANCE OF 46.26 FEET; THENCE NORTH 49°33'08" EAST, A DISTANCE OF 25.56 FEET; THENCE NORTH 10°46'21" EAST, A DISTANCE OF 80.31 FEET; THENCE NORTH 66°55'02" WEST, A DISTANCE OF 44.90 FEET; THENCE NORTH 45°01'52" WEST, A DISTANCE OF 43.16 FEET; THENCE NORTH 18°05'07" EAST, A DISTANCE OF 35.39 FEET; THENCE NORTH 42°22'48" EAST, A DISTANCE OF 73.79 FEET; THENCE NORTH 29°23'33" EAST, A DISTANCE OF 45.48 FEET; THENCE SOUTH 78°53'04" EAST, A DISTANCE OF 39.64 FEET; THENCE NORTH 31°38'02" EAST, A DISTANCE OF 46.80 FEET; THENCE NORTH 37°09'18" EAST, A DISTANCE OF 64.62 FEET; THENCE NORTH 50°05'08" EAST, A DISTANCE OF 45.09 FEET; THENCE NORTH 55°45'33" EAST, A DISTANCE OF 17.00; THENCE NORTH 09°50'46" EAST, A DISTANCE OF 57.69 FEET; THENCE NORTH 52°07'11" WEST, A DISTANCE OF 50.79 FEET; THENCE SOUTH 76°57'05" WEST, A DISTANCE OF 40.49 FEET; THENCE NORTH 44°55'12" WEST, A DISTANCE OF 47.59 FEET; THENCE SOUTH 69°55'51" WEST, A DISTANCE OF 33.31 FEET; THENCE NORTH 71°09'39" WEST, A DISTANCE OF 59.11 FEET; THENCE NORTH 34°24'57" EAST, A DISTANCE OF 48.22 FEET; THENCE NORTH 5°29'04" EAST, A DISTANCE OF 97.94 FEET; THENCE NORTH 18°20'11" WEST, A DISTANCE OF 38.79 FEET; THENCE NORTH 26°13'27" WEST, A DISTANCE OF 33.74 FEET; THENCE NORTH 40°46'36" WEST, A DISTANCE OF 35.91 FEET; THENCE NORTH 67°01'01" EAST, A DISTANCE OF 13.33 FEET; THENCE NORTH 50°38'53" EAST, A DISTANCE OF 57.78 FEET; THENCE NORTH 49°02'41" EAST, A DISTANCE OF 46.32 FEET; THENCE NORTH 64°22'28" EAST, A DISTANCE OF 21.87 FEET; THENCE NORTH 27°28'40" EAST, A DISTANCE OF 32.85 FEET; THENCE NORTH 50°26'14" EAST, A DISTANCE OF 21.33 FEET; THENCE NORTH 25°20'27" EAST, A DISTANCE OF 8.52 FEET TO A POINT LYING ON THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF THE SEABOARD COASTLINE RAILROAD (A 120.00 FOOT WIDE RIGHT-OF-WAY); THENCE SOUTH 63°45'53" EAST, ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1078.81 FEET; THENCE SOUTH 17°13'01" WEST, LEAVING SAID SOUTHWESTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1065.05 FEET TO THE POINT OF BEGINNING.

CONTAINING 30.37 ACRES MORE OR LESS.

Exhibit B



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

JEB BUSH
Governor

THADDEUS L. COHEN, AIA
Secretary

August 26, 2005

The Honorable Ansley Acree
Chair, Nassau County Board of County Commissioners
P.O. Box 1010,
Fernandina Beach, FL 32035

received
29 Aug 2005

Dear Commissioner Acree:

The Department has completed its review of the proposed Comprehensive Plan amendments for the Nassau County (DCA No.05-1), which were received on June 24, 2005. Copies of the proposed amendments have been distributed to appropriate state, regional and local agencies for their review and their comments are enclosed.

The Department has reviewed the proposed amendments for consistency with Rule 9J-5, Florida Administrative Code, Chapter 163, Part II, Florida Statutes, and the adopted Nassau County Comprehensive Plan. The Department raises no objections to the proposed amendments, and this letter serves as the Department's Objections, Recommendations and Comments Report. The Department would like to comment that considering the County's goal to provide a stronger employment base for its residents, the County should determine the most appropriate location for employment-generating uses and actively protect them from encroachment by residential uses. The Department also recommends that in order to achieve a more efficient community design, and promote multi-use development, the County should seek to adopt a mixed-use land use designation (as opposed to utilizing FLUM overlays) into the Future Land Use Element of the Comprehensive Plan.

This letter and the enclosed external agency comments are being issued pursuant to Rule 9J-11.010, Florida Administrative Code. Upon receipt of this letter, the County has 60 days in which to adopt, adopt with changes, or determine that the County will not adopt the proposed amendments. The process for adoption of local comprehensive plan amendments is outlined in s.163.3184, Florida Statutes, and Rule 9J-11.011, Florida Administrative Code.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FLORIDA 32399
Phone: 850.488.8466/Suncom 278.8466 FAX: 850.921.0781/Suncom 291.0781
Internet address: <http://www.dca.state.fl.us>

CRITICAL STATE CONCERN FIELD OFFICE
2796 Overseas Highway, Suite 212
Marathon, FL 33050-2227
(305) 289-2402

COMMUNITY PLANNING
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-2356

EMERGENCY MANAGEMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 413-9969

HOUSING & COMMUNITY DEVELOPMENT
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100
(850) 488-7956

The Honorable Ansley Acree, Chair
August 26, 2005
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Within ten working days of the date of adoption, Nassau County must submit the following to the Department:

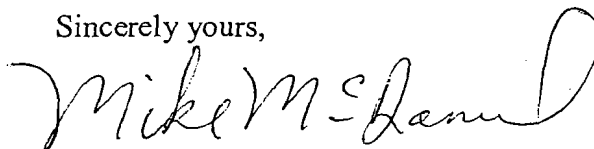
- Three copies of the adopted comprehensive plan amendments;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendments and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendments, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendments directly to the Executive Director of the Northeast Florida Regional Planning Council.

If you have any questions, please contact Sergey Kireyev, Community Planner at (850) 922-1811, or Mike McDaniel, Growth Management Administrator at (850) 922-1806.

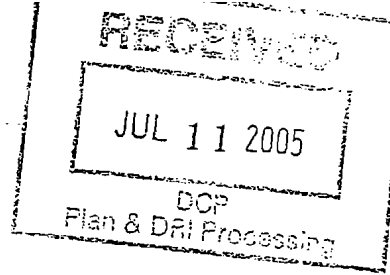
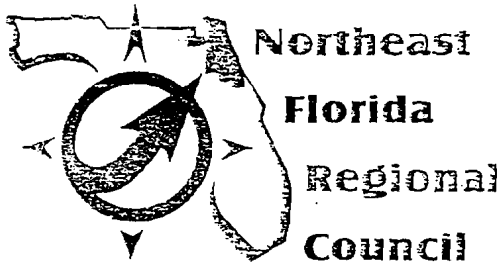
Sincerely yours,



Mike McDaniel
Growth Management Administrator

MMD/sk

cc: Mrs. Chris Jackson, Growth Management Coordinator, Nassau County Planning
Mr. Ed Lehman, Northeast Florida Regional Planning Council



Sergay
4
MM
7/11/05

Bringing Communities Together

Baker • Clay • Duval • Flagler • Nassau • Putnam • St. Johns

MEMORANDUM

DATE: July 5, 2005

TO: Northeast Florida Regional Council

THRU: Planning and Growth Management Policy Committee

FROM: Edward Lehman, Director of Growth Management

RE: Nassau County Transmitted Amendment 05-1

Scope of Review

The Regional Planning Council received Nassau County Transmitted Amendment 05-1 on June 13, 2005. Nassau County requested review by the Department of Community Affairs. Therefore, pursuant to Florida Statute Chapter 163 and the contract between the Department of Community Affairs and the Regional Planning Council, staff reviewed the Transmitted Amendment for adverse impacts to Regional Resources and extra-jurisdictional impacts. Staff has prepared this Objections, Recommendations, and Comments report to send to the Department of Community Affairs upon approval by the Council.

Amendment Summary

Nassau County Transmitted Amendment 05-1 contains a proposed amendment to the Future Land Use Map changing 30.7 acres from Industrial to High Density Residential. The property is located on the west side of Chester Road north of S.R. 200/A1A in the Yulee area. The site is presently vacant, with surrounding properties mostly vacant. The subject property is part of the Nassau Commerce Center, which is a 168-acre mixed use site, with a 275,000 square foot commercial development presently under construction. Industrial land use borders the project on the three sides, with Agriculture land use bordering to the north. The maximum potential density that could be

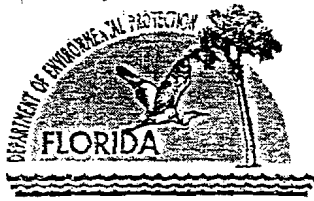
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constructed on the site is 364 dwelling units; the applicant has indicated plans to construct 240 dwelling units on the site. County staff has provided data and analysis showing the overall difference in trip generation from industrial land versus those from high density residential will be negligible. No analysis of actual traffic impacts has been included in the data and analysis. Of note is that this project is vested from concurrency due to a previously agreed to Developer's Agreement.

Comment: Staff does have concerns with the proposal to convert non-residential land use to residential land use in this part of the County. Staff believes that a proper mix of land uses will be necessary to provide for employment opportunities for Nassau County residents. However, staff also notes that there are a limited number of high density residential developments in this part of the County that could offer more affordable housing opportunities than the present residential development trends.

Staff Comments and Recommendations

Staff respectfully recommends that the Comprehensive and Project Planning Committee and the Council approve this report for transmittal to the Department of Community Affairs.



Jeb Bush
Governor

Department of Environmental Protection

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard, MS 47
Tallahassee, Florida 32399-3000

Colleen M. Castille
Secretary

July 26, 2005

Mr. Ray Eubanks
Florida Department of Community Affairs
Plan Review and DRI Processing Team
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

RE: Nassau County 05-1, Comprehensive Plan Amendment ORC Review

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (FDEP) has reviewed the above-referenced amendment proposal under the procedures of Chapter 163, Florida Statutes, and Chapters 9J-5 and 9J-11, Florida Administrative Code, and we have the following comments and suggestions:

CPA05-002

The proposed amendment would change the land use designation of a 30.37 acre parcel from Industrial to High Density Residential (5-10 du/acre). The data and analysis indicates that 12 acres of the parcel are wetlands. Water and sewer will be provided.

Comments:

The predominate soils underlying the parcel are Hurricane, Kingsferry, Ridgewood and Leon soils, which are characterized in the Soil Survey of Nassau County as poorly drained, with moderate to severe limitations for use as building sites and septic tank absorption fields due to soil saturation, ponding, poor filtering capacity and high water table. Stormwater from this area will flow into the Nassau River drainage basin and eventually empty into the Nassau River-St. Johns River Marshes Aquatic Preserve. Development of this parcel may hydrologically affect and likely reduce natural watershed functions such as the collection, storage, filtering and discharge of runoff. As a result, non-point source runoff will be an issue of concern.

The Department recommends that the applicant consider a full range of planning strategies to minimize impacts to groundwater and nearby wetlands by limiting impervious surfaces and clustering all housing away from wetlands. Stormwater treatment should be designed to maintain the natural predevelopment hydro-period and water quality, as well as to

Ray Eubanks
July 26, 2005
Page 2

protect the natural functions of the adjacent wetlands, and to protect groundwater and related surface waters.

Thank you for the opportunity to comment on this proposal. If I may be of further assistance, please call me at (850) 245-2172.

Sincerely,

SER

Suzanne E. Ray
Environmental Specialist
Office of Intergovernmental Programs

/ser