

ORDINANCE NO. 2009 - 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 445.71 ACRES FROM AGRICULTURE (AG) AND CONSERVATION I (CON) TO INDUSTRIAL (I) AND CONSERVATION I (CON); CHANGING 41.48 ACRES FROM AGRICULTURE (AG) TO COMMERCIAL (C); ADOPTING A NEW POLICY 1.09.08(e) ACCEPTING THE APPLICANT'S VOLUNTARY PROFFER TO LIMIT DEVELOPMENT OF THE SITE TO 2,350,000 SQUARE FEET OF INDUSTRIAL DEVELOPMENT AND 40,000 SQUARE FEET OF COMMERCIAL DEVELOPMENT; PROVIDING FOR FINDINGS; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, ICI Villages, LLC, owner of the real property described in this Ordinance, filed Application CPA09-002 for a Future Land Use amendment of the Nassau County Comprehensive Plan of approximately 445.71 acres from Agricultural (AG) and Conservation I (CON) to Industrial (I), and approximately 41.48 acres from Agricultural (AG) and Conservation I (CON) to Commercial (C); 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 March 3, 2009 and voted to recommend approval of CPA09-002 to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners conducted a transmittal hearing on this application on April 13, 2009; and

WHEREAS, THE Department of Community Affairs issued an Objections, Recommendations and Comments (ORC) Report; and

WHEREAS, on July 29, 2009 Nassau County forwarded a draft ORC Response to the Dept. of Community Affairs, reviewed and discussed the ORC Response with the Applicant and the department, and will make the Final ORC Response part of the County's compliance submittal pursuant to Rule 9J-11.011, F.A.C.; 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 Polices 1.10.03(C), 1.01.04 and 4.03.05.

SECTION 2. AMENDMENT

The following described property is reclassified from Agriculture (AG) and Conservation I (CON) to Industrial (I) and Conservation I (CON) as shown graphically in Section 4 of this ordinance. 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:

A portion of Sections 29, 30, and 31, Township 2 South, Range 23 East, Nassau County, Florida, together with a portion of Sections 29 and 30, Township 2 South, Range 23 East, Duval County, Florida, also being a portion of those land described and recorded in Official Records Book 1468, page 1150, of the public records of said Nassau County, being more particularly described as follows:

For a Point of Beginning, commence at the intersection of the Northerly limited access right of way line of Interstate Highway No. 10 with the Westerly line of said Section 31, thence North 00°01'21" West, along said Westerly line of Section 31, a distance of 2164.17 feet to the Southwest corner of said Section 30; thence continue North 00°01'21" West, along the Westerly line of said Section 30, a distance of 1541.17 feet to a point lying on the Southerly right of way line of the CSX Railroad, a variable width right of way as presently established; thence Easterly and Northerly, along said Southerly right of way line, the following three (3) courses: Course 1, thence North 83°25'36" East, departing said Westerly line of Section 30, a distance of 5382.00 feet; Course 2, thence North 01°03'23" East, 50.45 feet; Course 3, thence North 83°25'36" East, 1332.68 feet to a point lying on the Westerly line of those lands described and recorded in Official Records Book 1417, page 135 of the public records of said Nassau County, said point also lying on the Westerly line of the Northeast one-quarter of the Southwest one-quarter of said Section 29; thence Southerly and Westerly, along said Westerly line of Official Records Book 1417, page 135 the following three (3) courses: Course 1, thence South 00°17'37" West, departing said Southerly right of way line, and along said Westerly line of the Northeast one-quarter of the Southwest one-quarter, 1162.01 feet to the Northeast corner of the Southwest one-quarter of said Southwest one-quarter; Course 2, thence South 89°48'34" West, along the Northerly line of said Southwest one-quarter of the Southwest one-quarter of said Section 29, a distance of 1336.66 feet to the Northwest corner of said Southwest one-quarter of the Southwest one-quarter; Course 3, thence South 01°03'23" West, along the Westerly line of said Section 29, a distance of 1367.61 feet to the Southwest corner of said Section 29; thence North 88°07'32" West, along the Southerly line of said Section 30, a distance of 62.21 feet to a point lying on the dividing line between said Nassau and Duval counties; thence South 44°58'15" West, departing said Southerly line, and along said dividing line, 1734.53 feet to a point lying on the Northerly limited access right of way line of Interstate No. 10 (State Road No. 8), a variable width limited access right of way as presently established; thence South 79°12'10" West, departing said dividing line, and along said Northerly limited access right of way line, 4086.48 feet to the Point of Beginning.

Containing 445.71 acres, more or less.

SECTION 3. AMENDMENT (continued)

The following described property is reclassified from Agricultural (AG) and Conservation I (CON) to Commercial (C) as shown graphically in Section 4 of this ordinance. 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.

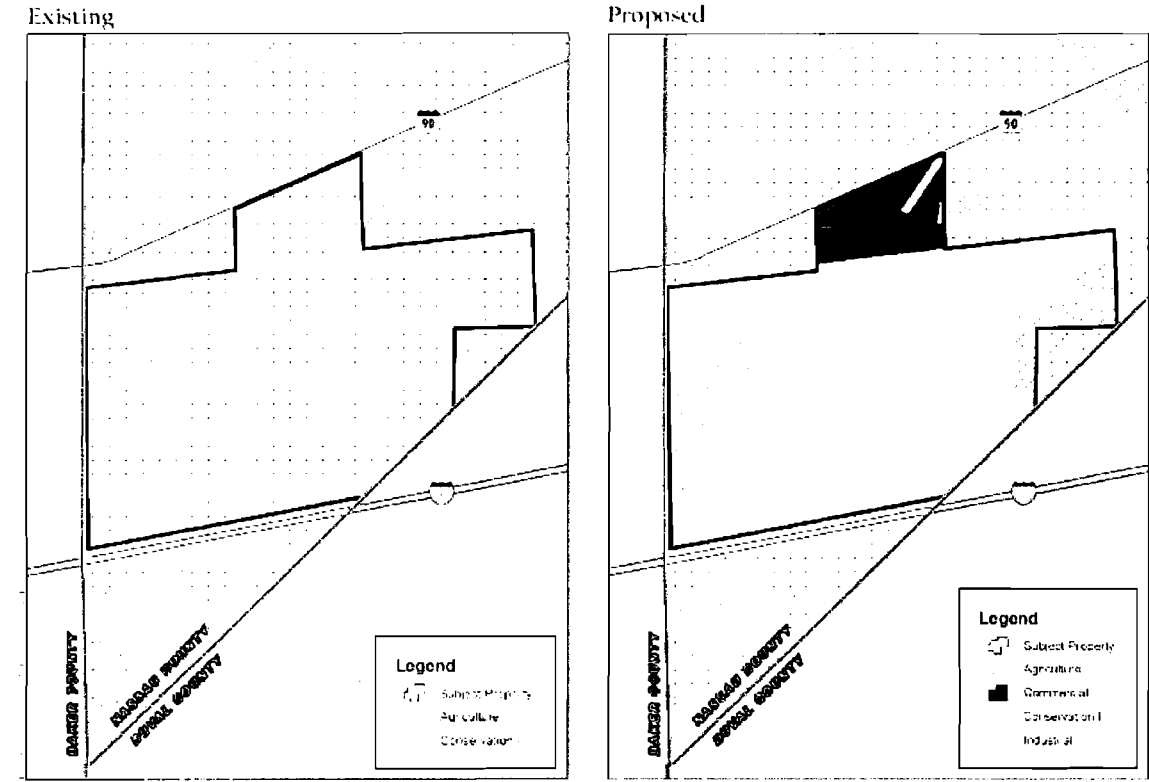
A portion of Section 30, Township 2 South, Range 23 East, Nassau County, Florida, also being a portion of those lands described and recorded in Official Records Book 1468, page 1150, of the public records of said Nassau County, being more particularly described as follows:

For a Point of Reference, commence at the intersection of the Northerly limited access right of way line of Interstate Highway No. 10 with the Westerly line of Section 31, said Township and Range, thence North 00°01'21" West, along said Westerly line of Section 31, a distance of 2164.17 feet to the Southwest corner of said Section 30; thence continue North 00°01'21" West, along the Westerly line of said Section 30, a distance of 1742.49 feet to a point lying on the Northerly right of way line of the CSX Railroad, a variable width right of way as presently established; thence North 83°25'36" East, departing said Westerly line of Section 30, and along said Northerly right of way line, 2106.35 feet to the Point of Beginning.

From said Point of Beginning, thence North 01°39'19" West, departing said Northerly right of way line, 717.52 feet to a point lying on the Southeasterly right of way line of U.S. Highway 90 (State Road 10) a variable width right of way as presently established; thence Northeasterly and Southeasterly, along said Southeasterly right of way line, the following three (3) courses: Course one, thence North 66°14'41" East, 1163.90 feet; Course two, thence South 23°45'19" East, 67.00 feet; Course three, thence North 66°14'41" East, 805.50 feet; thence South 00°40'36" East, departing said Southeasterly right of way line, 1239.21 feet to a point lying on said Northerly right of way line of the CSX Railroad; thence South 83°25'36" West, along said Northerly right of way line, 1835.51 feet to the Point of Beginning.

Containing 41.48 acres, more or less.

SECTION 4. GRAPHIC DEPICTION



SECTION 5. ADOPTING NEW POLICY 1.09.08(e)

A new Policy 1.09.08(e) 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:...

- e) Approximately 487.19 acres lying in Sections 29, 30 and 31, Township 2S, Range 23 East located between U.S. Route 90 and Interstate 10. This property was the subject of CPA09-002 and is owned by ICI Villages LLC of Daytona Beach, Florida. Conservation easements shall be established pursuant to Sec. 704.06 F.S. in order to preserve and maintain a minimum of seventy-five (75) acres south of the CSX rail line and shall be classified as Conservation I. The easements shall be established prior to the first site plan approval on the industrial site. The limits of this conservation area are subject to minor refinement to reflect a more exacting description when the property has been issued an Environmental Resource Permit by the St. Johns River Water Management District.

Development of the Subject property shall be limited to 2,350,000 square feet of uses permitted in the Industrial portion and 40,000 enclosed square feet of uses permitted in the Commercial portion that altogether generate no more than 688 external p.m. peak hour trips. Any development of the

property that would generate more than 688 peak hour trips must be preceded by an amendment to the Schedule of Capital Improvements including any roadway improvements needed to achieve and maintain the adopted level of service based upon the maximum development potential. The Capital Improvements contained in the Comprehensive Plan Amendment shall be derived from a traffic impact study whose methodology is acceptable to the City of Jacksonville Planning and Development Department, Nassau County Growth Management Department, and the Florida Department of Transportation.

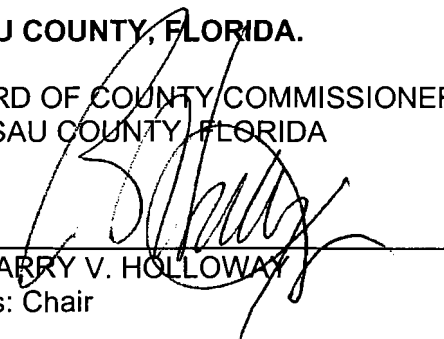
SECTION 5. EFFECTIVE DATE

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.

ENACTED AND ADOPTED THIS 24th DAY OF AUGUST, 2009 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS,
NASSAU COUNTY, FLORIDA



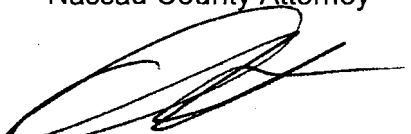
BARRY V. HOLLOWAY
Its: Chair

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