

ORDINANCE NO. 2009- 26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA REZONING APPROXIMATELY 445.71 ACRES FROM OPEN RURAL (OR) TO INDUSTRIAL WAREHOUSE (IW) AND 41.48 ACRES FROM OPEN RURAL (OR) TO COMMERCIAL GENERAL (CG); APPROVING APPLICATION R09-006 FOR REAL PROPERTY LOCATED SOUTH OF U.S. 90 AND NORTH OF I-10; PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, ICI Villages, LLC, owner of the real property described in this Ordinance authorized filing of Application R09-006 for a rezoning and reclassification of the property from Open Rural (OR) to Industrial Warehouse (IW) and Commercial General (CG); and

WHEREAS, the property is the subject of CPA09-002, a Future land Use Map amendment to Industrial, Commercial and Conservation I adopted by the Board of County Commissioners on August 24, 2009; and

WHEREAS, Sec 163.3184(3) was amended in 2009 to allow local governments to consider zoning changes during the FLUM amendment process, subject to such zoning changes being contingent upon the amendment becoming effective; and

WHEREAS, the Planning and Zoning Board, after due notice conducted a public hearing on September 1, 2009 and voted to unanimously to recommend approval of rezoning request R09-006; and

WHEREAS, taking into consideration the above recommendations, the Commission finds that such rezoning is consistent with the overall Comprehensive Land Use Plan and orderly development of the County of Nassau, Florida, and the specific area; and

WHEREAS, public notice of this rezoning has been provided in accordance with Chapter 125, Florida Statutes and the Nassau County Land Development Code.

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

SECTION 1. FINDINGS.

That the proposed rezoning to Industrial Warehouse (IW) and Commercial General (CG) is generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan and, in particular, Policies 1.02.01, 1.02.05(c), 1.02.05(d), 1.09.02 and 1.09.08(e).

SECTION 2. PROPERTY REZONED.

The real property described in Section 3 is rezoned and reclassified from Open Rural (OR) to Industrial Warehouse (IW) as defined and classified under the Land Development Code. The real property described in Section 4 is rezoned and reclassified from Open Rural (OR) to Commercial General (CG). The Official Zoning Map shall be amended to reflect these changes.

SECTION 3. DESCRIPTION OF INDUSTRIAL WAREHOUSE.

The following described real property is hereby rezoned from Open Rural (OR) to Industrial Warehouse (IW). The property is currently identified as a portion of Tax Parcel Number 30-2S-23-0000-0002-0000; and portion of Tax Parcel Number 29-2S-23-0000-0002-0000; and all of Tax Parcel Number 31-2S-23-0000-0002-0000. Upon the effective date of this Ordinance, the Growth Management Department is authorized to amend the Official Zoning Map to reflect this rezoning.

Legal Description of Industrial Portion (following page):

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 4. DESCRIPTION OF COMMERCIAL GENERAL.

The following described real property is hereby rezoned from Open Rural (OR) to Commercial General (CG). The property is currently identified as a portion of Tax Parcel Number 30-2S-23-0000-0002-0000. Upon the effective date of this Ordinance, the Growth Management Department is authorized to amend the Official Zoning Map to reflect this rezoning.

Legal Description of Commercial Portion (following page):

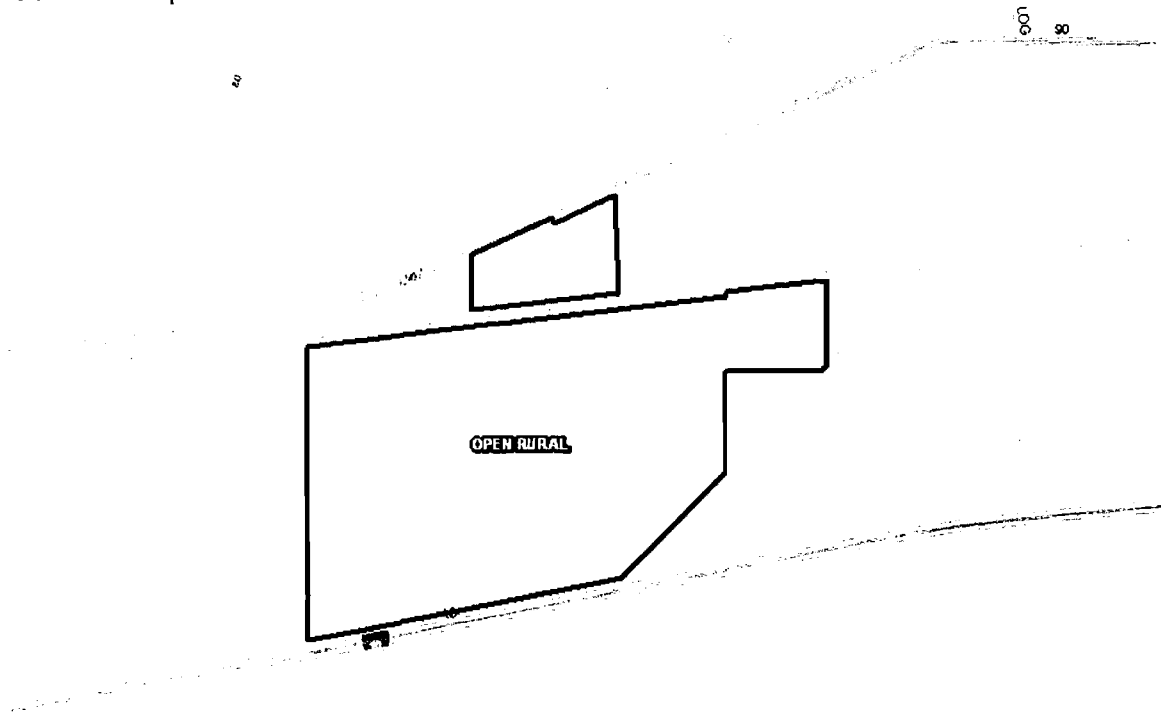
A portion of Section 30, Township 2 South, Range 23 East, Nassau County, Florida, also being a portion of those lands described and recorded in Official Records Book 1468, page 1150, of the public records of said Nassau County, being more particularly described as follows:

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.

Location Map




SECTION 5. EFFECTIVE DATE.

This Ordinance shall be filed with the Secretary of State. It shall become effective upon the effective date of CPA09-002, the corresponding adopted FLUM amendment.

PASSED AND ADOPTED THIS 28th DAY OF September, 2009.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA




BARRY V. HOLLOWAY
Its: Chairman

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