

ORDINANCE NO. 2010 - 06

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA AMENDING THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN; PROVIDING FOR A CHANGE OF 1,505 ACRES FROM AGRICULTURE (AG) TO INDUSTRIAL (I); PRESERVING A MINIMUM OF 309 ACRES OF WETLANDS (CONSERVATION I); ADOPTING A NEW POLICY 1.09.08(f) ACCEPTING THE APPLICANT'S VOLUNTARY PROFFER TO LIMIT INITIAL DEVELOPMENT OF THE SITE TO 5.2 MILLION SQUARE FEET; PROVIDING FOR FINDINGS; PROVIDING FOR TRANSMITTAL AND CONSIDERATION OF THE ORC REPORT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Terra Pointe LLC, owner of the real property described in this Ordinance, filed Application CPA10-001 for a Future Land Use amendment of the Nassau County Comprehensive Plan of approximately 1,505 acres from Agricultural (AG) to Industrial (I), and approximately 309 acres remaining as Conservation I (CON); and

WHEREAS, the property is located proximate to two major rail corridors and is in an area specifically described by the Comprehensive Plan for future industrial expansion; 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 February 2, 2010 and voted to recommend approval of CPA10-001 to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners conducted a transmittal hearing on this application on March 8, 2010; and

WHEREAS, pursuant to Chapter 163, F.S. and Rule 9J-5, F.A.C. the Florida Department of Community Affairs on May 14, 2010 issued an Objections, Recommendations and Comments (ORC) Report; and

WHEREAS, Nassau County has considered the ORC Report and incorporated changes to the transmitted ordinance 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 1.02.05(D), 1.02.01, 1.02.02, 1.02.04 1.10.03(A) and 4.01.05

SECTION 2. AMENDMENT

The following described property is reclassified from Agricultural (AG) and Conservation I (CON) to Industrial (I) and Conservation I (CON) as shown graphically in Section 3. 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.

LEGAL DESCRIPTION

Township 1 North, Range 24 East, Nassau County, Florida

Section 3: South $\frac{3}{4}$ of said section;

Section 4: East $\frac{1}{2}$ of East $\frac{1}{2}$ of South $\frac{3}{4}$ of said section;

Section 9: E $\frac{1}{2}$ of E $\frac{1}{2}$ of said section lying and being North of Crawford Road;

Section 10: All of said section lying and being north of Crawford Road;

Less and except all road rights-of-way and right-of-way of Georgia Southern Railroad.

Together with the following tracts, parcels or lots of land situate, lying and being in Nassau County, Florida, and more particularly described as being certain lots or portions of lots in the Village of Crawford (unrecorded) according to the plat thereof filed at the Nassau County Courthouse in the office of the Clerk of the Circuit Court on February 16, 1909 and said lots being located in Section 11, Township 1 North, Range 24 East, Nassau County, Florida:

Lot 1, lying Westerly of railroad right-of-way, Lot 2, Lots 5 through 12, both inclusive, Lots 21 and 22, and the Easterly $\frac{1}{2}$ of Lot 28;

All of Lots 19 and 20, and all of Lot 30, less and except, all the lands of Mixon described in deed recorded at O. R. Book 474, page 445 (bearing property ID number 11-1N-24-2180-0030-0020);

All of Lots 23, 24, and 25;

All of Lot 13, containing 10 acres, more or less, and further generally described as being bordered by the property of grantor on the South, on the West by North 9th Street, Village of Crawford, and on the East by property of Stewart (bearing property ID number 11-1N-2180-0014-0000) and on the North by lands of Reiff (bearing property ID number 11-1N-24-2180-0004-0000);

All those portions of Lots 15 and 18, lying Northwest of the railroad, containing 10 acres, more or less, and further described as being bounded on the South and East by the right-of-way of the Seaboard Airline (now CSX) Railroad and bounded on the West by lands of grantor and the lands of Stewart, as aforesaid, and on the North by other lands of grantor;

All of Lot 29 and all of that portion of Lot 30, lying Northwest of the railroad, containing 14 acres, more or less, and generally described as being bounded on the South and East by the Seaboard Airline (now CSX) Railroad right-of-way, on the West by North 9th Street, Village of Crawford, and on the North by property of the grantor.

Lots 1326 to 1330, both inclusive, Lots 1332 to 1334, both inclusive, Lots 1337 to 1347, both inclusive, Lots 1353 to 1358, both inclusive, Lots 1360 and 1361, all in Addition to Crawford, a subdivision (unrecorded) of Section 2, Township 1 North, Range 24 East, Nassau County, Florida;

Together with all and whatsoever right, title claim of interest of Seller, but without any warranty of title, in and to all unopened streets and roads, named and unnamed, lying between and adjacent to the above-specified lots and depicted upon the map or plat of Crawford Subdivision of Section 11, Township 1 North, Range 24 East or of Addition to Crawford subdivision of Section 2, Township 1 North, Range 24 East, Nassau County, Florida;

SUBJECT TO:

The right-of-way of "Woods Road" (a/k/a Old Callahan-Baldwin Road) as existing and as proposed for re-establishment as a County right-of-way; and

The right(s) of any owner of a Lot or Lots according to either the map or plat of Crawford an unrecorded subdivision of Section 11, Township 1 North, Range 24 East, or of the map or plat of Addition to Crawford, an unrecorded subdivision of Section 2, Township 1 North, Range 24 East, to access that owner(s) lot or lots over the unopened streets and roads, named and unnamed, of those respective subdivisions.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCELS:

Parcel 1:

A portion of Section 11, Township 1 North, Range 24 East, Nassau County, Florida, being a portion of Lot 16, Town of Crawford, according to plat on file in the Office of the Clerk of said county. Said portion being more particularly described as follows: For a point of reference commence at the Northeast corner of Section 11 aforementioned and run South 00 degrees 39 minutes 10 seconds East along the East line of said Section 11, 669.62 feet; thence South 87 degrees 36 minutes 08 seconds West 75.00 feet to a point on the Northwesterly right-of-way line of U.S. Highway No. 301 (a 200-foot-right-of-way as now established) for the Point of Beginning. From said point of beginning thus

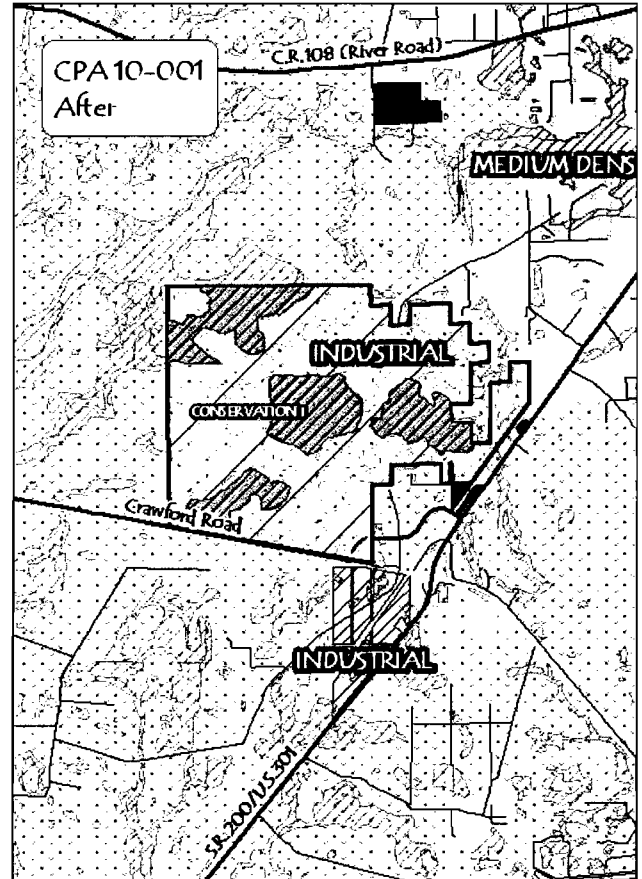
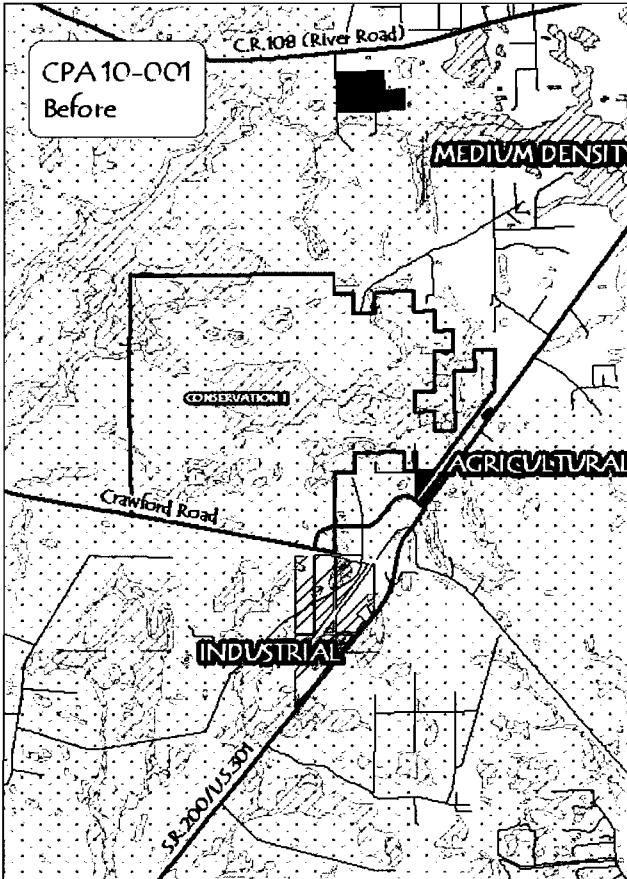
described, thence South 35 degrees 45 minutes 50 seconds West along said Northwesterly right-of-way line 385.00 feet; thence North 41 degrees 49 minutes 46 seconds West 118.06 feet to a point on the Southeasterly right-of-way line of Seaboard Coastline Railroad (a 200-foot right-of-way as now established); thence North 35 degrees 57 minutes 38 seconds East along said Southeasterly right-of-way line 270.46 feet to a point on the Northerly line of Lot 16 aforementioned; thence North 87 degrees 49 minutes 16 seconds East along said Northerly line 145.03 feet to the Point of Beginning.

Parcel 2:

All that portion of Lot 16, Town of Crawford, Section 11, Township 1 North, Range 24 East, Nassau County, Florida, lying Northwesterly and adjacent to the Northwesterly right-of-way line of the Seaboard Coastline Railroad right-of-way aforesaid. For a point of beginning commence at the Northwest corner of said Lot 16; thence North 87 degrees 49 minutes 16 seconds East 188.09 feet to the aforementioned Northwesterly right-of-way line of the Seaboard Coastline Railroad (a 200-foot right-of-way as now established); thence South 35 degrees 57 minutes 38 seconds West along said Northwesterly right-of-way line 314.30 feet; thence North 00 degrees 47 minutes 11 seconds West 247.27 feet to the point of beginning.

The limits of Conservation I are subject to minor refinement upon receipt of ERP from the St. Johns River Water Management District

SECTION 3. GRAPHICAL DEPICTION



SECTION 4. ADOPTING NEW POLICY 1.09.08(f)

A new Policy 1.09.08(f) 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:...

- f) Approximately 1,814 acres lying in Sections 2, 3, 4, 9, 10 and 11, Township 1 North, Range 24 East located near the intersection of U.S. Highway 301 and Crawford Road. This Property was the subject of CPA10-001 and is owned by TerraPointe, LLC of Fernandina Beach. A minimum of 309 acres of wetlands shall be preserved within the site. Development of the remaining portions of the Property shall be limited to 780,000 sq. ft. of General Light Industrial (ITE 110), 780,000 sq. ft. of Manufacturing (ITE 140), and 3,640,000 sq. ft. of High Cube Warehouse (ITE 152) or any equivalent uses in the applicable land use category in Nassau County (industrial) generating no more than 1,942 external p.m. peak hour trips. If at any time of development either:
 - i) Link 83 (C.R. 119 to Crawford Road) and Link 84 (Crawford Road to Pickett Road) on U.S. Highway 301 are widened to 4 lanes; or
 - ii) Links 83 and 84 are in FDOT's Five-Year Work Program; or
 - iii) Links 83 and 84 are moved into the County's adopted Capital Improvement Schedule;

then development consistent with the Industrial FLUM category that generates up to 2,507 additional external p.m. peak hour trips shall be allowed for the subject property (4,449 total trips). No commercial mining operations shall be permitted within the Property.

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 TWELFTH DAY OF JULY, 2010 BY THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.

BOARD OF COUNTY COMMISSIONERS,
NASSAU COUNTY, FLORIDA



MICHAEL H. BOYLE,
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