

**RESOLUTION NO. 2006- 155**

**PLM WEST CONSOLIDATED DEVELOPMENT ORDER**

**A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY FLORIDA, AMENDING RESOLUTION NO. 85-31, WHICH APPROVED THE APPLICATION FOR DEVELOPMENT APPROVAL OF PLM WEST, SUBJECT TO CERTAIN CONDITIONS, AND CONSOLIDATING AMENDMENTS TO 85-31 MADE BY RESOLUTIONS 85-36, 85-43, 00-136, AND 2004-182, AND FURTHER CONSOLIDATING ORDINANCE 85-14, PUD ZONING, AND AN AGREEMENT DATED JANUARY 20, 2000.**

**WHEREAS**, the Board of County Commissioners of Nassau County, Florida, has previously approved:

- Resolution 85-31 – June 11, 1985: Original Development Order;
- Ordinance 85-14 – June 11, 1985: Original Planned Unit Development (PUD) Amelia Island South (including PLM West);
- Resolution 85-36 – June 25, 1985: Corrected date in first “WHEREAS” clause;
- Resolution 85-43 – July 31, 1985: Added Paragraph 9.8 establishing LOS “D” for traffic monitoring; Amended Paragraph 9.7 related to roadway proportionate shares; and Amended Paragraph 5.2 specifying the number of residential units that can use septic tanks;
- An AGREEMENT, dated January 20, 2000, between Nassau County board of County Commissioners and Amelia Island Company related to beach access;
- Resolution 00-136 – August 28, 2000, amending county’s budget by receiving funds from Amelia Island Company related to beach access; and
- Resolution 2004-182 – December 13, 2004: Changed name of Developer, changed Annual Report to Biennial Report, established build-out date of December 31, 2012, Revised Table 12-1, and clarified the intent of Map H as to parcels and units;

**WHEREAS**, the Developer of PLM West filed on June 27, 2005, a Notification of Proposed Change (NOPC) to the Development Order as amended, an Application to Amend the PUD Rezoning and a request that the DRI Development Order and PUD Zoning be combined into a Consolidated Development Order; and

**WHEREAS**, the Developer of PLM West filed on October 25, 2005, an Addendum One to the NOPC to provide revisions based on review discussions; and

**WHEREAS**, the Developer of PLM West filed on October 26, 2005, an Addendum Two to the NOPC to provide revisions based on review discussions; and

**WHEREAS**, the Developer of PLM West filed on December 29, 2005, an Addendum Three to the NOPC to provide revisions based on review discussions; and

**WHEREAS**, pursuant to Section 380.06(11), Florida Statutes, the Northeast Florida Regional Council (NEFRC), the appropriate regional planning agency, has prepared and submitted to Nassau

County its report and recommendation on the Notification of a Proposed Change to the Development Order, recommending that the proposed change to the Development Order does not constitute a substantial deviation; and

**WHEREAS**, the Florida Department of Community Affairs finds that the proposed change to the Development Order does not constitute a substantial deviation; and

**WHEREAS**, the Nassau County Planning and Zoning Board has reviewed said Notification of a Proposed Change, the Application to Amend the PUD Rezoning and request for rendering a Consolidated Development Order, conducted a public hearing on October 3, 2006, and has made a finding that the amendments do not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes; and

**WHEREAS**, the Nassau County Planning and Zoning Board has recommended approval of the requested Notification of Proposed Change, Application to Amend the PUD Rezoning, and request for rendering a Consolidated Development Order; and

**WHEREAS**, the Board of County Commissioners has reviewed said Notification of Proposed Change, Application to Amend the PUD Rezoning, and request for rendering a Consolidated Development Order, conducted a public hearing on October 23, 2006, 2006, and has made a finding that the proposed changes do not constitute a substantial deviation pursuant to Section 380.06(19), Florida Statutes; and

**WHEREAS**, due notice of the public hearings on the Notification of Proposed Change, Application to Amend the PUD Rezoning, request for rendering a Consolidated Development Order, and amendment procedures was duly published; and

**WHEREAS**, the Board of County Commissioners and the Planning and Zoning Board considered the competent and substantial testimony, reports, and other evidence submitted at the public hearings by Amelia Island Company, Developer, NEFRC, as well as county staff and the public in attendance at said public hearings; and

**WHEREAS**, the Board of County Commissioners desires to consolidate Resolutions 85-36, 85-43, 00-136, and 2004-182, Ordinance 85-14, PUD Zoning, and an AGREEMENT dated January 20, 2000.

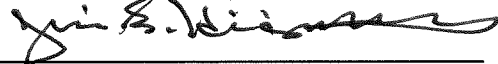
**NOW, THEREFORE, BE IT RESOLVED:**

This 23 day of October 2006, by the Board of County Commissioners of Nassau County, Florida, that:

1. The PLM West Development Order shall be amended to include the following:
  - a. Reduce the number of residential units allowed in the PLM West Development by 130.
  - b. Revise Table 12-1 as revised and dated October 25, 2005, Exhibit B.
  - c. Revise Map H: Master Development Plan as revised and dated ~~July 27~~, 2005, Exhibit C.  
June

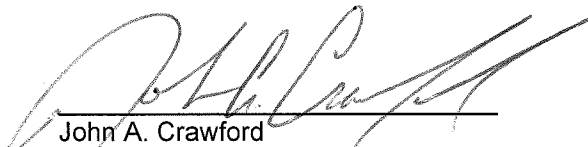
2. All conditions of Resolutions 85-31, 85-36, 85-43, 00-136, and 04-182, Ordinance 85-14, PUD Zoning, and an AGREEMENT dated January 20, 2000 remain unchanged and in full force effect except for Table 12-1 as amended herein and are made a part of this Consolidated Development Order and attached hereto as ATTACHMENT 1 – Development Conditions.
3. The above changes to the Development Order do not constitute a substantial deviation and full review has been provided in accordance with Florida Statutes Section 380.06(19).
4. The Legal Description of the PLW West properties covered by this Resolution is attached as Exhibit A and made a part hereof.
5. Table 12-1, revised October 25, 2005, is attached hereto as Exhibit B and made a part hereof.
6. Map H, Master Development Plan, revised ~~July~~ June 27, 2005, is attached hereto as Exhibit C and made a part hereof.
7. Notice of the adoption of this Resolution and a certified copy of this Resolution shall be recorded by the Applicant in accordance with Section 380.06(15)(f), Florida Statutes.
8. The County Clerk shall transmit a certified copy of the Development Order amendment by certified mail to the Department of Community Affairs, the Northeast Florida Regional Council, and the Applicant.

BOARD OF COUNTY COMMISSIONERS  
 NASSAU COUNTY, FLORIDA



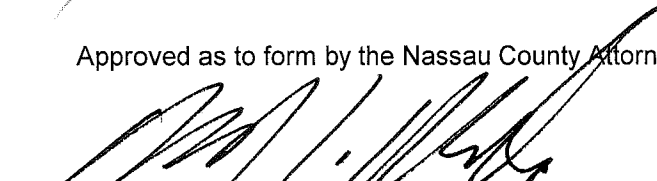
~~Thomas D. Branan, Jr.~~ Jim B. Higginbotham  
 Its: ~~Chairman~~ Vice Chairman

ATTEST:



John A. Crawford  
 Its: Ex-Officio Clerk

Approved as to form by the Nassau County Attorney:



MICHAEL S. MULLIN

Exhibits Attached:

- Attachment 1: Consolidated Development Conditions
- Exhibit A: Legal Description
- Exhibit B: Table 12-1, Revised ~~July 14, 2006~~ October 25, 2005
- Exhibit C: Map H – Master Development Plan, Revised June 27, 2005



bassett

December 19, 1983

Work Order Number 12-83-53

File S-1837-T

Description for A. J. Land, Inc.

EXHIBIT A  
Legal Description

A part of Sections 38 and 39, Township 1 North, Range 29 East and part of Sections 1 and 42 and all of Sections 43 and 44, Township 1 North, Range 28 East all in Nassau County, Florida, being more particularly described as follows:

For a point of reference, commence at the intersection of the Westerly Right of Way line of Florida State Road No. 105 (S.R. A1A) as now established as a 200 foot right of way with the Northerly line of Unsurveyed Section 1, Township 1 North, Range 28 East of said county; thence South  $19^{\circ} 33' 10''$  East, along said Westerly Right of Way line, a distance of 323.72 feet to the point of beginning.

From the point of beginning thus described, continue South  $19^{\circ} 33' 10''$  East, along said Westerly Right of Way line, a distance of 4799.97 feet to a point of curve of a curve concave Northwesterly having a radius of 3337.75 feet; thence Southwesterly, along the arc of said curve an arc distance of 2400 feet, more or less, to its intersection with the division line of the Uplands and Marshlands, said division line also being the same as the Mean High Water line of Nassau Sound and South Amelia River; thence Northerly, Northeasterly, Easterly, Southeasterly, Southerly, Southwesterly, Westerly and Northwesterly, along said Mean High Water line, a distance of 31,200 feet, more or less, to its intersection with a line bearing South  $89^{\circ} 59' 50''$  West from the point of beginning; thence North  $89^{\circ} 59' 50''$  East, a distance of 124 feet, more or less, to the point of beginning.

Lands thus described contain 311 acres, more or less.

**TABLE 12-1  
PLM WEST DEVELOPMENT**

Revised July 15, 2005  
Revised July 27, 2005  
Revised October 25, 2005

Use	Totals
Residential	120.3 acres 670 units*
Recreation	122.9 acres** 14 golf fairways and clubhouse
Open Space / Preservation	67.8 acres

Sources: Amelia Island Company; Howard M. Landers Consulting, LLC.

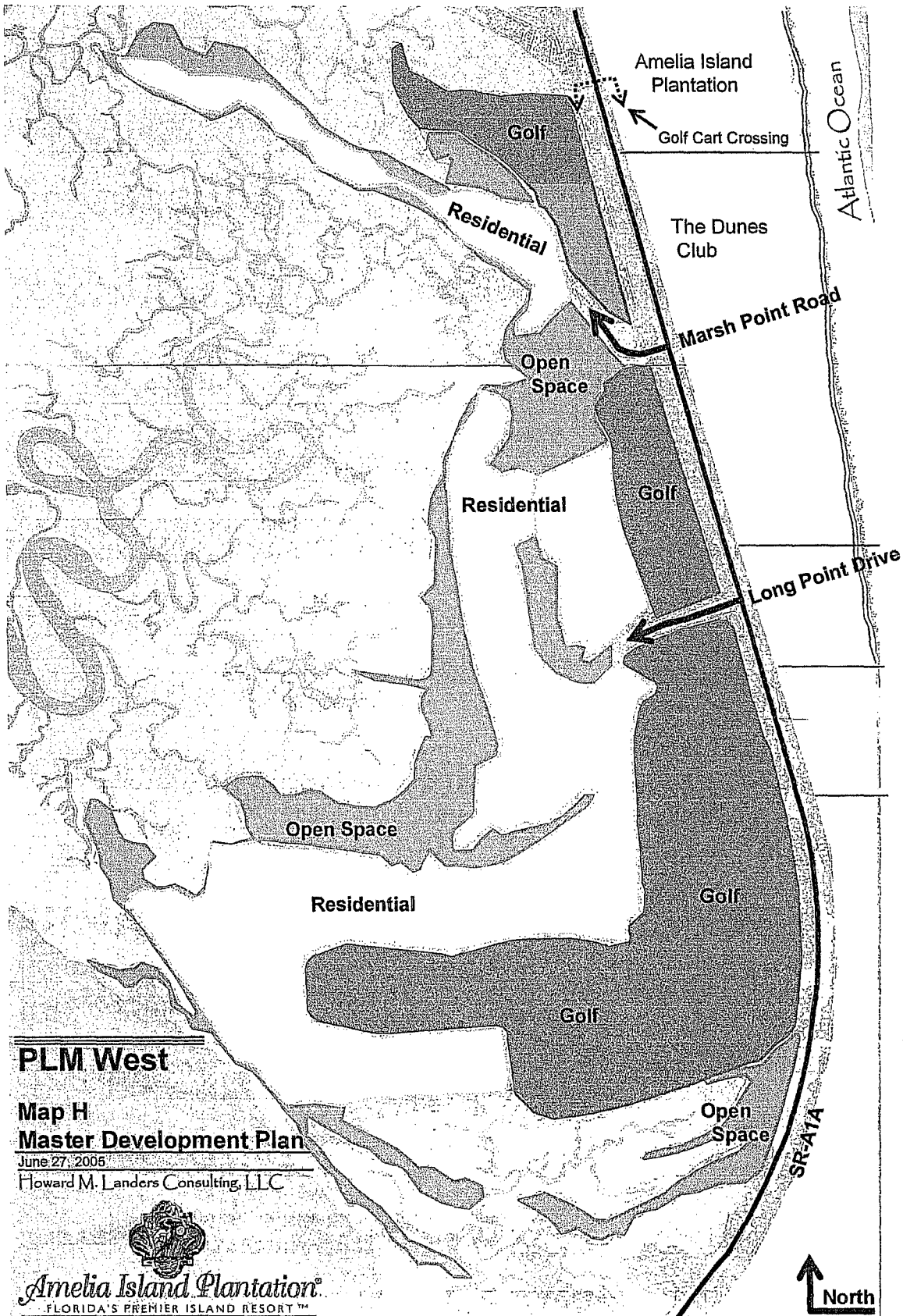
#### LAND USE CONVERSION

Residential units may be converted to hotel units at the rate of 100 residential units to 250 hotel units.

#### NOTES:

\* The number of residential units allowed in the PLM West Development was reduced in the "2005 NOPC" by 129, with the condition that the reduction is specifically and only applicable to offsetting the potential impacts to the Coastal High Hazard Area of the development of 129 residential units (in addition to the base 41 units) on the Crane Island Development.

\*\* A 7.3 acre site identified as "Infrastructure" and "utility site" was developed as golf course related support uses. Therefore, the parcel has been removed from Map H and the acreage added to the Recreation use in this June 27, 2005, Revision



**PLM West**

**Map H**  
**Master Development Plan**

June 27, 2005

Howard M. Landers Consulting, LLC



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ATTACHMENT 1

CONSOLIDATED DEVELOPMENT CONDITIONS

Pursuant to the approval granted in this RESOLUTION, the following Findings of Fact, Conclusions Of Law, and General and Special Conditions of the Original Development Order (Resolution 85-31), Original PUD Ordinance (Ordinance 85-14) and subsequent amendments as identified are herein. Where Findings of Fact are restated in this RESOLUTION, they are not repeated herein.

In Resolution 85-31 (June 11, 1985) The Board of County Commissioners of Nassau County Florida, Made the Following Findings of Fact:

1. A Notice of Public Hearing provided.
2. The legal description provided.
3. Upon consideration of all matters prescribed in Section 380.06(12), 380.06(13), and 380.06(20) (b), Florida Statutes, the Nassau County Comprehensive Zoning Code, and other applicable provisions of local and state law, the Commission has determined that as conditioned by the approval hereby granted the PLM West Development described in the application:
  - a. Is not located in an area of critical State concern;
  - b. Does not interfere with the achievement of the objectives of any adopted State land development plan applicable to the area;
  - c. Is consistent with local land development land regulations;
  - d. Adequately addresses the concerns of regional impact stated in the report and recommendations of the Northeast Florida Regional Planning Council dated December 13, 1984 on file in these proceedings and is consistent with that report.
  - e. The granting of the Development Order will not adversely affect the public safety and welfare, provided the conditions contained herein are adhered to.
4. The ADA is being coordinated by the Amelia Island Plantation Company. Each of the developers involved will be developing different areas within the Amelia Island South Development. Specifically:
  - a. Dunes Club Company: **Under development by separate developer.**
  - b. PLM Associates: Fifty (50) acres east of First Coast Highway known as PLM East: **The PUD Ordinance for the PLM East property has been voided by the County Commission.**  
and, 325 acres west of First Coast Highway known as PLM West. **Note: The Legal Description defines parcel as containing 311 acres.**
  - c. A.I.P.Co.: Development of 14 golf course fairways, a clubhouse and ancillary facilities on PLM West and four (4) golf course fairways and supporting facilities on the Dunes Club site. A.I.P.Co. has an option to purchase the entire PLM West tract. **Amelia Island Company has executed**



**its option to acquire PLM West, Resolution 2004-182, December 13, 2004, and changed the name of the Owner/Developer from PLM Associates to Amelia Island Company.**

5. When developed in accordance with the conditions imposed by these recommendations, the development:

(1) Will not have a significant negative impact on the environment and natural resources or the region;

(2) Will have a favorable economic impact on the economy of the region by providing new employment and business for the residents of the region;

(3) Will efficiently use water, sewer, solid waste disposal, and other necessary public facilities;

(4) May efficiently use public transportation facilities;

(5) Will favorably affect the ability of people to find adequate housing reasonably accessible to their places of employment; and

(6) Will not create and unreasonable additional demand for, or additional use of, energy.

In Resolution 85-31 (June 11, 1985) The Board of County Commissioners of Nassau County Florida, Made the Following Conclusions of Law:

1. The proceedings herein have been conducted in compliance with the provisions of Chapter 380, Florida Statutes; and all conditions precedent to the granting of development approval required by Chapter 380. Florida Statutes, have occurred.

2. The proposed PLM West development is not located in an area of critical state concern designated pursuant to the provision of Section 380.05, Florida Statutes.

3. The proposed development does not unreasonably interfere with the achievement of the objectives of any adopted state land development plan applicable to the area.

4. The proposed PLM West development, when developed in accordance with the conditions imposed by this development order, is consistent with the Nassau County Comprehensive Plan, subdivision regulations, and other local land development regulations.

5. The proposed PLM West development is in all material aspects consistent with the report and recommendation of the RPC submitted pursuant to Section 380.06(11), Florida Statutes.

6. The ADA for Amelia Island South is hereby approved for the PLM West development, which includes the golf course subject to the general and special conditions of development contained in Attachment A which is made a part hereof by reference.

7. This resolution constitutes the development order pursuant to Section 380.06, Florida Statutes, for the PLM West development at Amelia Island South. The ADA and supplemental information filed by the Applicant are incorporated herein by reference as they apply to PLM West, and the proposed PLM West development shall be carried out substantially in conformance with the ADA as applicable to it. The ADA as it applies to PLM West is amended by an inconsistent terms of this resolution and the attachment(s) incorporated by reference.

8. The Zoning [Planning] Director is designated as the local official responsible for receiving and monitoring the annual reports. The provisions of Section 380.06(15), Florida Statutes as amended, shall apply to this development order.

9. This development order shall take effect upon adoption and shall remain in effect until the date of the buildout. The period of effectiveness of this development order shall be tolled during any period of time during which there is any building permit moratorium or other permit application pending affecting the property within the PLM West boundary imposed by Nassau County or other governmental agency having authority to do so. **Resolution 2004-182, December 13, 2004, established a build-out date of December 31, 2012.**

10. Unless otherwise specifically provided in Attachment A, any changes proposed by the Applicant to the ADA, as amended herein, shall be submitted to the Board for a determination if such change constitutes a substantial deviation pursuant to Section 380.06(17) (b) Florida Statutes.

11. Pursuant to Section 380.06(16), Florida Statutes, Applicant shall provide an annual report (**Resolution 2004-182, December 13, 2004, changed Annual Report to Biennial Report as authorized by Florida Statutes Section 380.06(15), with the first such report being due January 15, 2006.**) relating to its activities to the Zoning [Planning] Director, the RPC, and DCA, no later than January 15 of each year during the term of this development order, commencing January 15, 1986. Nassau County in preparing a development order for the Amelia Island South DRI has chosen to issue separate development orders for the three development sites (PLM East, PLM West, and the Dunes Club). Each property owner is responsible for providing an annual report relating to its activities. The entire annual report and/or selected items of the annual report may be submitted jointly by various Amelia Island South property owners or as individual reports. The annual report pertaining to the PLM West site shall contain the following information;

a. Total amount of square footage by land use type constructed during the preceding 12 months and estimated for the ensuing 12 month period.

b. Total amount of square footage by land use type approved in construction contracts during the preceding 12 months and estimated for the ensuing 12 month period.

c. Summary of public utility(s) improvement completed within the project boundaries during the preceding 12 months and estimated for the ensuing 12 month period.

d. Results of periodic water quality monitoring data [if required by the Department of Environmental Regulation (DER)].

e. Total number and size of housing units required to equal the demonstrated unmet need for affordable units by persons employed on the Amelia Island South PLM West site, as concluded from annual survey data.

f. Number of employees of Amelia Island South, PLM West and golf course who regularly commute in car or van pools.

g. The energy conservation measures, as stated in the energy-related commitments in the ADA, which have been implemented in the preceding 12 months.

h. Total number of school children from the development enrolled in County schools, by grade.

i. Traffic reports shall be submitted to the Florida Department of Transportation (FDOT) District office in Lake City, as well as to the County, RPC, and DCA. Traffic reports may be submitted separately by development (PLM West, PLM East, and the Dunes Club) or jointly for some or all of the Amelia Island South Community. The first traffic report shall be due one year after the commencement of development, and shall be provided annually for 14 years or until project buildout, whichever is later, unless otherwise specified by the RPC. The timing of recommended traffic improvements will be based on the information contained in the monitoring reports. The following information shall be included:

1) A description a current development by land use type, location, number of housing units and commercial square footage along with the proposed construction schedule for the ensuing 12 month period and appropriate maps.

2) Traffic counts, turning movements and levels of service, actual for past 12 months and projected for ensuing 12 months on major roads in the primary impact area, as depicted on Map J in the ADA, including: Sadler Road, 14<sup>th</sup> Street (Amelia Island Parkway to Atlantic Avenue), and South Fletcher Avenue (Sadler Road to Atlantic Avenue).

Actual FDOT traffic counts shall be used where possible. If actual FDOT counts are not available for a particular road, the Applicant shall retain, at his expense, a traffic engineering firm to collect the necessary counts. The traffic engineering firm must be acceptable to Nassau County and FDOT. At least one traffic county shall be taken during peak project occupancy. FDOT seasonal adjustment factors shall be used when adjusting traffic counts.

3) A discussion of actual and projected traffic volumes, in terms of the percentage relationship of Amelia Island South PLM West's traffic with non-project traffic using public roads and intersections of the internal road system with public roads. The methodology used to project future traffic and to determine traffic percentages shall be described.

4) A description of new and/or improved roadways, traffic control devices of other transportation facility improvements to be constructed or provided by the applicant or governmental entity to adequately accommodate the total existing and anticipated traffic demands.

5) A schedule for implementing the traffic improvements described above.

12. Definitions contained in Chapter 380, Florida Statutes, shall control in the construction of this development order.

13. The obligations of this development order shall run with the land. This development order shall be binding upon and inure to the benefit of the Applicant and its assignees or successors in interest. It is understood that any reference herein to any governmental agency shall be construed to mean any future instrumentality which may be created and designated as successor in interest to, or which otherwise possesses any of the powers and duties of, any referenced governmental agency in existence on the effective date of this development order.

14. In the event that any portion or section of this development order is determined to be invalid by a court of competent jurisdiction, the remaining portions or sections of this development order shall remain in full force and effect.

15. Notice of the adoption of this resolution and a certified copy ... **restated above.**

16. The County Clerk shall transmit a certified copy of this development order ... **restated above.**

#### Attachment A

### GENERAL AND SPECIFIC CONDITIONS OF DEVELOPMENT TABLE OF CONTENTS

- 1.0 General Conditions
- 2.0 Housing
- 3.0 Water Resources – Surface Water Quality
- 4.0 Vegetation/Wildlife
- 5.0 Wastewater Management
- 6.0 Water Supply
- 7.0 Recreation and Open Space
- 8.0 Public Safety
- 9.0 Transportation
- 10.0 Beach Access
- 11.0 Miscellaneous

The following are the General Conditions for development of PLM West at Amelia Island South.

#### 1.0 GENERAL CONDITIONS

1.1 Use of the word "Applicant" herein shall mean any person undertaking any development within the PLM West site. Development shall be as provided in 380.06.

1.2 The Amelia Island South Application for Development Approval (ADA) and the commitments therein, plus additional information, submitted by the Applicant or consultants during the review (July 12, to November 13, 1984) to the RPC and County are made a part of the development order as they apply to PLM West.

1.3 Any subsequent owner/developer or assignee shall be subject to the provisions contained in the PLM West development order.

1.4 This development shall be subject to further review in the event significant physical development has not commenced within three years. The three year time period shall be tolled during any period of time that the Applicant is prevented from commencing significant physical development due to state or federal licensure or judicial delays beyond the control of the Applicant. (Significant physical development can include land preparation, streets, and infrastructure.)

In addition to the general conditions, the following are the specific conditions for development of the PLM West site at Amelia Island South.

## 2.0 HOUSING

2.1 The applicant shall prepare, as part of the annual report, an analysis of moderate cost housing availability for employees working within the Amelia Island South PLM West Site and golf course site. This shall be accomplished by surveying all employees on a confidential basis to determine the relationship of worker expenditures for housing to household income, their daily commuting distance, and whether lack of available affordable housing is related to that distance. The Applicant may consult with the RPC regarding an effective survey design. Collection of annual data shall be the responsibility of the Applicant.

2.2 A car or van-pooling program for employees shall be actively pursued in a cooperative fashion among PLM East, PLM West, the Dunes Club and the Amelia Island South Golf Course to reduce commuting costs as well as energy use. The number of employees commuting in car or van pools shall be included in the annual report.

## 3.0 WATER RESOURCES – SURFACE WATER QUALITY

3.1 The Applicant shall provide the RPC with a copy of the data obtained from the four season assessment of the ambient conditions of Nassau County, if required by DER as part of the permitting process for surface water management prior to construction.

3.2 The Applicant shall provide a copy, in the annual report, of data resulting from periodic monitoring of runoff from the site during the construction phases and until one year after buildout, if such monitoring is required by DER.

3.3 The Applicant shall ensure that only biodegradable fertilizers and EPA/DER approved pesticides and fungicides are used within the PLM West Development. The Applicant shall ensure that buyers/managers of residential sites adhere to these conditions through deed restrictions and covenants.

## 4.0 VEGETATION/WILDLIFE

4.1 To protect the marsh edge buffer on PLM West the following standards shall be enforced through deed restrictions and covenants:

1. 100 percent of the canopy of the trees within the buffer shall be retained.
2. Not more than 30 percent of the shrub layer shall be trimmed for view easements.

3. No ground cover or shrubs shall be removed except those needed for paths leading to viewing docks.
4. Those lots without vegetation in the buffer zone shall be planted with native vegetation in consultation with a professional biologist to be retained by the Homeowner's Association or the developer.

4.2 Of the existing 331.5 acre hammock within Amelia Island South, consisting of Live Oak hammock and mixed Broadleaf and Mixed Broadleaf with Pine forest and Live Oak, Red Cedar, Cabbage Palm woodland, 38.0 acres of upland hammock on the PLM West site shall be preserved for upland vegetative/wildlife habitat. An additional five (5) acres shall be preserved as a golf course buffer (see 4.4 below).

Fourteen acres of property offered by PLM West to be preserved as wildlife habitat, located offsite the project property in a 54 acre parcel south of and adjacent to the PLM West site, shall be preserved in perpetuity. In the event of transfer of title to any entity other than the State of Florida, the Applicant shall place appropriate deed restrictions to ensure that the 14 acres are preserved in perpetuity as wildlife habitat. In the event of transfer to the State of Florida, appropriate assurances shall be given by the State that the upland acreage will be maintained as wildlife habitat in perpetuity.

4.3 Any area not occupied by utility and maintenance facilities on the 7.7 acre Parcel B PLM West, shall be retained in its natural state as habitat for wildlife.

4.4 The PLM West applicant shall submit to the RPC, prior to final development plan approval, a site plan at a scale of 1:200, showing the location of the additional 5 acres of forest to be preserved in the golf course buffer for wildlife habitat in perpetuity. This marginal habitat location is allowed as an exception to RPC policy because of additional commitments made by the applicant.

## 5.0 WASTEWATER MANAGEMENT

5.1 In the event that sewage treatment capacity is not available to meet the projected demands from the PLM West site and golf course site at Amelia Island South consistent with the phasing schedule provided in the ADA, a revised phasing schedule shall be submitted to the RPC, DER, DCA and Nassau County before any building permits are issued for PLM West. The revised schedule shall be in conformance with the ability of Amelia Island Waterworks, Inc. or other utility to provide treatment capacity.

5.2 **Revised in Resolution 85-43, July 31, 1985, to read as follows:** Limit septic tanks to fifteen (15) dwelling units or equivalent, if approved by County for isolated residential or recreational facilities.

## 6.0 WATER SUPPLY

6.1 To maximize water conservation on the PLM West site and golf course site at Amelia Island South, the Applicant shall install or cause to have installed water-conserving (low volume) water closets, and faucet and shower flow restrictors in all structures and to the maximum extent feasible, shall retain and use storm water for irrigation and indigenous plants for landscaping.

## 7.0 RECREATION AND OPEN SPACE

7.1 A multi-purpose path shall be constructed within the development. Bike racks shall be installed at commercial, recreational and at dune walkovers. The Applicant shall be responsible for only that portion of the path on the subject property.

## 8.0 PUBLIC SAFETY

8.1 Transfers of title to any property in the project shall be accompanied by a hazard disclosure, stating that the PLM West site at Amelia Island South is within a hurricane hazard area, in which property is subject to damage and residents may be evacuated in the event of any hurricane landfalling within 50 miles of Amelia Island.

8.2 The Applicant shall have all buildings in excess of three (3) stories equipped with internal fire suppressions/protection equipment such as stand pipes, sprinkler systems, pressurized stair wells based upon consultation with the Fire and Public Safety Director. In addition, streets leading to all building should be wide enough to have sufficient support to accommodate heavy fire suppression apparatus up to the size of a ladder truck. Said plans for the buildings and roads shall be considered by the respective boards at the appropriate final development review.

## 9.0 TRANSPORTATION

9.1 The Northeast Florida Regional Planning Council will contract directly with a transportation firm chosen by the County Engineer to perform a detailed Island wide transportation study and the Applicant shall be bound by the findings of the transportation study if adopted by the Board of County Commissioners.

9.2 The applicant shall construct left turn and acceleration/deceleration lanes on SR AIA (105) at all major intersections with PLM West's internal road system at the time such intersections or points of access are created. The Applicant shall provide signalization when deemed warranted by the FDOT or Nassau County.

9.3 Upon determination by the FDOT or Nassau County that level of service "C" has been exceeded on SR AIA (105) from Burney Road north to Fletcher Avenue, and from Burney Road south to the project's southern boundary, based on the annual traffic reports, or Island wide traffic study, the Applicant shall participate on a proportionate share basis in funding the cost of widening these road segments to four lanes. The above shall include improvements to major intersections, i.e., left turn and acceleration/deceleration lanes, etc. and signalization when warranted as determined by the Florida Department of Transportation or Nassau County.

9.4 Upon determination by Nassau County that level of service "C" has been exceeded, the Applicant shall participate on a proportionate share basis in funding the following road improvements. (Nassau County's determination shall be based on FDOT criteria or County standards.)

- a. Widen to four lanes, that segment of Amelia Island Parkway from SR AIA (200) near the Intracoastal Waterway to CR 105A (Amelia Road at the Chrysler dealership.)

- b. Widen to four lanes, CR 105A (Amelia Road at the Chrysler dealership) from the Amelia Island Parkway Intersection to Fletcher Avenue (SR AIA/105).
- c. The above shall include improvements to major intersection, i.e., left turn and acceleration/deceleration lanes, etc. and signalization when warranted.

9.5 Upon determination by Nassau County or the FDOT (whichever has jurisdiction) that traffic generated by the development at PLM West is impacting any of the following roads and their major intersections, the applicant shall be required to pay its proportionate share of the costs of improving such roads and intersections.

- Amelia Island Parkway (from SR AIA/105 to South Fletcher Avenue)
- 14<sup>th</sup> Street (Amelia Island Parkway to Atlantic Avenue)
- Sadler Road (CR 108)
- Fletcher Avenue (SR AIA/105)
- SR AIA/200 (Intracoastal Waterway to 5 points)

Nassau County and the FDOT may utilize the annual traffic reports as well as the Island wide transportation study in making their determinations. No further permits shall be issued until the Applicant's proportionate share of the road improvement costs has been escrowed, or an acceptable letter of credit filed, with the appropriate government agency.

9.6 The Applicant's proportionate share of road improvement costs shall be escrowed with the appropriate governmental agency when it is determined by the appropriate governmental agency, that such improvements are warranted. No further permits shall be issued until the proportionate share of the road improvement costs have been escrowed, or an acceptable letter of credit filed, with the appropriate government agency.

9.7 **Revised in Resolution 85-43, July 31, 1985, to read as follows:** The applicant's proportionate share of road improvement costs shall be based on the percentage of the total applicant generated traffic calculated based upon planned build-out using such improvements. The Applicant's proportionate share contribution shall be used for the purpose of constructing the road improvement in the area of and necessitated by Amelia Island South Developments.

9.8 **Resolution 85-43, July 31, 1985, added Paragraph 9.8 to read as follows:** It is the County's intent and condition of the Development Order approval that the Level of Service "D" during peak season be maintained on three (3) segments of AIA as follows:

- S. R. AIA:
  - CR 105 A, South to Julia Street
  - Julia Street to Burney Road
  - Burney Road south to Southern end of project boundary

including intersections therein, impacted by the development. The County Engineer shall report to the County Commission each year as to the traffic status of the above segments including a projection of



when level "D" is expected to be exceeded on each of these segments. If the County Engineer, after consultation with NEFRPC and FDOT, determines that:

1. The annual traffic reports required pursuant to this Development Order indicate that this standard will be exceeded during the next reporting period;
2. The Amelia Island South Developments combined will utilize 10% or more of the peak season Level of Service "D" service volume;

The construction of AIA or intersection improvements needed to preserve the above Level of Service will not be begun during that reporting period, then the County shall schedule, with due notice to the developer, NEFRPC and DCA, a substantial deviation determination hearing to determine whether and the extent to which further development permits shall be issued.

#### 10.0 BEACH ACCESS

**An AGREEMENT, January 20, 2000, between Nassau County Board of County Commissioners and Amelia Island Company related to beach access replaced conditions 10.1 and 10.2 to as follows:**

FOR and IN CONSIDERATION of ten and no/100 dollars (\$10.00) and other mutually agreed upon consideration, the parties agree as follows:

1. Board agrees to set a public hearing to amend Ordinance 85-14.
2. The Company would commit to assisting the Board in obtaining access over the PLM East property to the Atlantic Ocean beach. Said assistance would include joint presentation and/or meetings with the State of Florida's representatives to encourage them to purchase a portion of PLM East for said beach access, and joint meeting(s) with the owner of the PLM East property in order to facilitate the development of the road and/or parking facilities for beach access. The company would commence this process within thirty (30) days of the joint execution of this Agreement.
3. In return for this elimination of the fifty to sixty car parking requirement, the Company shall provide funds to the Board based upon an established construction cost of the improvements approved by the County at the PLM West site. The Board may utilize these funds to improve the Dunes Club beach access area or to other access areas at their discretion.
4. Signage shall be placed at the Dunes Club beach access to indicate an ADA accessible route that would be available upon request at the Company location. The exact details of this provision would be agreed upon by both parties, within twenty (20) days of the execution of this Agreement, and shall be done in such a way that it would be meaningful to those with mobility impairments.
5. Individuals utilizing the Dunes Club Beach Access who require an ADA accessible route shall call a specific number, based upon information on the signage, and be provided information on the route to access the accessible walk-over. The signage would also indicate the other accessible walk-overs.

6. Those individuals utilizing the Amelia Island Company's accessible walk-over would receive directions to the Company's offices to be directed from there to the accessible route and parking area. The hours for utilization shall be 8:00 a.m. to 5:00 p.m.

7. All signage shall be provided by the Company with the approval of a designee of the Board.

**Resolution 00-136, August 28, 2000, further amended Condition 10.0 by amending county's budget pursuant to Florida Statutes 129.06(2)(d) by receiving funds from Amelia Island Company related to beach access as follows:**

REVENUE:	01720572-329106	AIP/PLM PUD Agreement	\$42,512
APPROPRIATION:	01720572-563771	Beach Access Improvements (AIP/PLM)	\$42,512

#### 11.0 MISCELLANEOUS

11.1 -- Land Use: The uses requested in the ADA/PUD applications for PLM West shall be approved as presented and approved by the Planning Board.

11.2 -- Fire Protection:

1. The Applicant, with the PLM East Applicant and Dunes Club Applicant, shall pay its proportionate share to purchase one new 1,500 gallon capacity fire pumper combination 100' ladder truck. The terms and conditions of this purchase shall be negotiated by the Applicant and the Board of County Commissioners within 30 days of the date of this order. No final development plans shall be approved or building permits issued until the Board has approved the terms and conditions of Applicant's purchase of the fire truck.

2. The Applicant shall provide its proportional share of the funds to expand the current fire station, known as Station #3, so as to provide space for sleeping and living accommodations for six personnel. The Board of County Commissioners shall establish the funds necessary for the expansion and the date required for the funds to be received. No final development plans shall be approved or permits issued for PLM West should the County not receive the established funds. The exact share for each Applicant shall be established by mutual agreement between the Applicants and submitted to the Board of County Commissioners within 30 days of the date of this resolution.

3. The Applicant shall provide its proportionate share of funds necessary to expand the current fire station, known as station #3, so as to provide a minimum of 600 square feet of space for a bay to house the ladder truck as stated in paragraph 11.2-1. The Board of County Commissioners shall establish the funds necessary for the expansion and the date required for the funds to be received. No final development plans shall be approved or permits issued for PLM West should the County not receive the established funds. The exact share for each applicant shall be established by mutual agreement between the applicants and submitted to the Board of County Commissioners within 30 days.

4. The applicant shall receive credit for fire related contributions against any future impact fees to be levied or negotiated.

11.3 -- Police Protection: The applicant shall contribute its proportionate share to the County for:

1. One (1) patrol unit; One (1) patrol unit shall include four (4) automobiles at a 1985 price of \$42,875.00 and \$12,300.00 for additional capital improvements for the additional patrol unit. Said amount totals \$55,175.00 and shall be contributed on or before September 1, 1985. The Applicant shall receive credit toward any final contribution for said police protection. Said credit shall be against any imposed or negotiated impact fees. The exact share for each applicant shall be established by a mutual agreement between the Applicant and submitted to the Board of County Commissioners within 30 days. No final development plan shall be approved or permits issued for the Applicant should the County not receive the established funds.

11.4 -- Applicant Commitments: This development order shall incorporate, where applicable to PLM West, the commitments and plan characteristics as set forth in pages F-3 through and including F-8 of the DRI assessment report.

11.5 -- Building Heights: The maximum building height allowed within PLM West shall be six (6) stories above parking.

11.6 -- Parking: The required number of parking spaces of PLM West shall be one and one-half (1 ½) spaces per condominium unit. The required number of parking spaces for other than condominium units shall be according to the Nassau County Zoning Ordinance 83-19.

11.7 -- Consultation with Local Officials: The Applicant shall regularly and routinely consult with the Public Safety Director, Sheriff, County Engineer, and planning and Zoning Director regarding final development plans and wherever practical and consistent with the development orders and PUD's, include the suggestions of the aforementioned officials in any final development plans. All applications for final development plans submitted to the County shall contain the written comments of the aforementioned officials.

11.8 -- County Ordinance: The following provisions of Article 24 of Ordinance 83-19 shall be applicable and shall be adhered to: 24.04; 24.05(e) and (f); 24.06; 24.07; 24.08.

11.9 -- County Flood Plain Ordinance: All building within PLM West shall conform to the Nassau County Flood Plain Ordinance.

11.10 -- Access Roads: The roads leading into PLM West shall not interchange at or near the same location at which any roads from PLM East interchange with AIA. There shall be no direct access roads from PLM West to PLM East.

11.11 -- Shuttle Service: The Applicant shall encourage, to the maximum extent possible, and provide appropriate plans to the Planning Board for their review and approval:

- a. Shuttle service for residents of PLM West with said service transporting them to the Dunes Club or Amelia Island Plantation property.

11.12 -- Setback Requirement: The setback requirement shall be as specified in the Nassau County Zoning Ordinance 83-19.

11.13 -- Impact Fees: Based upon data presented by the applicants, the RPC concluded that "there should be an indiscernible impact upon capital outlay demand by the Nassau County School Board" from the project as a result of the small number of school aged children expected within the project. To confirm or reject the validity of the developer's protections, the number of projected children attending county public schools shall be included in the annual report and each annual report should re-evaluate projections based on changes in the product mix within the development. If the data provided in such annual reports indicate a deviation from the projections concerning project children set forth in the Amelia South application, then the project should be reviewed to consider any additional commitments by the developers necessary to mitigate the additional impacts.

11.14 -- Additional impacts created by Applicant are addressed within the development order and the Applicant shall be subject to any county wide impact fee ordinance.

**The provisions of Ordinance 85-14, June 11, 1985, Original Planned Unit Development (PUD) Amelia Island South (including PLM West), are Consolidated into this Development Order as follows:**

NOW THEREFORE BE IT ORDAINED by the Board of County Commissioners of Nassau County that the application for the Planned Unit Development to be know as "PLM West" is hereby approved and the land shall be re-zoned as a Planned Unit Development (PUD) in accordance with and subject to the provisions of Article 24 of Ordinance 83-19 of the County of Nassau and further subject to the Additional conditions and requirements:

Section I: The Planned Unit Development concept shall be as indicated on the land use plan attached hereto as Exhibit "B" (**Identified herein as Exhibit B, Table 12-1**) and made a part hereof.

Section II: The preliminary development plan is approved as indicated on the land use plan attached hereto to exhibit "B" (**Identified herein as Exhibit C, Map H**). Said preliminary development plan is approved subject to the stipulations contained in Exhibit "C" (**Identified herein above as ATTACHMENT A**) with attachments attached hereto and made a part hereof.

+++++

NOTICE OF THE ADOPTION  
OF RESOLUTION NO. 2006-155

On October 23, 2006, the Nassau County Board of County Commissioners adopted Resolution No. 2006-155 - A Resolution of the Board of County Commissioners Amending Resolution No. 85-31, As Amended, known as the PLM West Consolidated Development Order. Said Resolution: (1) amends the PLM West Development Order to reduce the number of residential units allowed in the PLM West Development by 130; (2) Revises Table 12-1, as revised, and dated October 25, 2005; (3) Revises Map H: Master Development Plan as revised and dated June 27, 2005; and (4) finds that this does not constitute a substantial deviation in accordance with Florida Statutes, Section 380.06(19).

The legal description of the property covered by the Resolution is attached hereto as Exhibit "A".

The adopted Resolution may be examined at the Office of the Clerk, 76347 Veterans Way, Yulee, Florida 32097, or at the Nassau County Growth Management Office, located at 96161 Nassau Place, Yulee, Florida 32097, during normal business hours.

The adopted Resolution constitutes Land Development Regulations that govern the property.

This notice shall be recorded.

BOARD OF COUNTY COMMISSIONERS  
NASSAU COUNTY, FLORIDA

JOHN A. CRAWFORD  
EX-OFFICIO CLERK

THOMAS D. BRANAN, JR.  
CHAIRMAN

INSTR # 200643465  
OR BK 01460 PGS 0854-0855  
RECORDED 11/20/2006 03:31:33 PM  
JOHN A. CRAWFORD  
CLERK OF CIRCUIT COURT  
NASSAU COUNTY, FLORIDA  
RECORDING FEES 18.50

*Return to Joyce Brandy*

*Rec 18.50*

EXHIBIT "A"

PLM WEST

210 Century 21 Drive  
Jacksonville, Florida 32216  
Phone (904) 724-9433

**bassett**

December 19, 1983

Work Order Number 12-83-53

File S-1837-T

Description for A. J. Land, Inc.

**EXHIBIT A  
Legal Description**

A part of Sections 38 and 39, Township 1 North, Range 29 East and part of Sections 1 and 42 and all of Sections 43 and 44, Township 1 North, Range 28 East all in Nassau County, Florida, being more particularly described as follows:

For a point of reference, commence at the intersection of the Westerly Right of Way line of Florida State Road No. 105 (S.R. AIA) as now established as a 200 foot right of way with the Northerly line of Unsurveyed Section 1, Township 1 North, Range 28 East of said county; thence South  $19^{\circ} 33' 10''$  East, along said Westerly Right of Way line, a distance of 323.72 feet to the point of beginning.

From the point of beginning thus described, continue South  $19^{\circ} 33' 10''$  East, along said Westerly Right of Way line, a distance of 4799.97 feet to a point of curve of a curve concave Northwesterly having a radius of 3337.75 feet; thence Southwesterly, along the arc of said curve an arc distance of 2400 feet, more or less, to its intersection with the division line of the Uplands and Marshlands, said division line also being the same as the Mean High Water line of Nassau Sound and South Amelia River; thence Northerly, Northeasterly, Easterly, Southeasterly, Southerly, Southwesterly, Westerly and Northwesterly, along said Mean High Water line, a distance of 31,200 feet, more or less, to its intersection with a line bearing South  $89^{\circ} 59' 50''$  West from the point of beginning; thence North  $89^{\circ} 59' 50''$  East, a distance of 124 feet, more or less, to the point of beginning.

Lands thus described contain 311 acres, more or less.



**NASSAU COUNTY**  
BOARD OF COUNTY COMMISSIONERS  
P.O. Box 1010  
Fernandina Beach, Florida 32035-1010

Jim B. Higginbotham  
Ansley Acree  
Tom Branan  
Floyd L. Vanzant  
Marianne Marshall

Dist. No. 1 Fernandina Beach  
Dist. No. 2 Fernandina Beach  
Dist. No. 3 Yulee  
Dist. No. 4 Hilliard  
Dist. No. 5 Callahan

JOHN A. CRAWFORD  
Ex-Officio Clerk

MICHAEL S. MULLIN  
County Attorney

MIKE MAHANEY  
County Administrator

November 8, 2006

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. Brian Teeple  
Executive Director  
Northeast Florida Regional Council  
6850 Belfort Oaks Place  
Jacksonville, FL 32216

RE: Amendment to PLM West Development Order

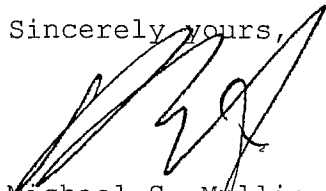
Dear Mr. Teeple:

Enclosed please find a certified copy of Resolution No. 2006-155, adopted by the Board of County Commissioners of Nassau County on October 23, 2006.

This Resolution is being provided to you pursuant to the requirements set forth in Paragraph 8.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely yours,

  
Michael S. Mullin  
County Attorney

MSM:jb

CC: Bill Moore, Amelia Island Plantation  
Howard Landers, agent for applicant

(904) 548- 4660, 879-1029, (800) 958- 3496

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**NASSAU COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
P.O. Box 1010  
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Jim B. Higginbotham  
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Dist. No. 5 Callahan

November 8, 2006

JOHN A. CRAWFORD  
Ex-Officio Clerk

MICHAEL S. MULLIN  
County Attorney

MIKE MAHANEY  
County Administrator

Mr. D. Ray Eubanks  
Community Program Administrator  
Florida Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, FL 32399-2100

**VIA CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

RE: Amendment to PLM West Development Order

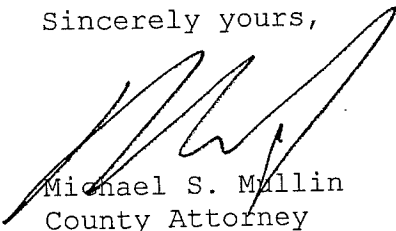
Dear Mr. Eubanks:

Enclosed please find a certified copy of Resolution No. 2006-155, adopted by the Board of County Commissioners of Nassau County on October 23, 2006.

This Resolution is being provided to you pursuant to the requirements set forth in Paragraph 8.

If I can be of any further assistance, please do not hesitate to contact me.

Sincerely yours,



Michael S. Mullin  
County Attorney

MSM:jb

CC: Bill Moore, Amelia Island Plantation  
Howard Landers, agent for applicant

(904) 548-4660, 879-1029, (800) 958-3496

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