

ORDINANCE NO. 2007- 29

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA REZONING APPROXIMATELY 12 ACRES OF REAL PROPERTY LOCATED ON THE EAST SIDE OF U.S. HIGHWAY 1 FROM RESIDENTIAL MOBILE HOME (RMH) TO COMMERCIAL, GENERAL (CG); PROVIDING FOR FINDINGS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Henry M. and Viola Kelly, Patty J. Smith, Randy P. Kelly, and Marty Kelly, owners of the real property described in this Ordinance, filed Application R07-009 for a rezoning and reclassification of the property from RESIDENTIAL MOBILE HOME (RMH) to COMMERCIAL, GENERAL (CG); and

WHEREAS, the Nassau County Planning and Zoning Board, after due notice conducted a public hearing on August 7, 2007 and voted to recommend approval of the rezoning request to the Commercial, General (CG) district to the Commission; 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.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Nassau County, Florida:

SECTION 1. FINDINGS: That the proposed rezoning to Commercial, General (CG) is generally consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan in particular Policy 1.02.03 of the Future Land Use Element.

SECTION 2. PROPERTY REZONED: The real property described in Section 3 is rezoned and reclassified from RESIDENTIAL MOBILE HOME (RMH) to COMMERCIAL, GENERAL (CG) as defined and classified under the Zoning Ordinance, Nassau County, Florida. The Official Zoning Map shall be amended to reflect this change.

SECTION 3. OWNER AND DESCRIPTION:

The land rezoned by this Ordinance is owned Henry M. and Viola Kelly, Patty J. Smith, Randy P. Kelly, and Marty Kelly and is described as follows:

A PORTION OF THE WILLIAM SPARKMAN GRANT, SECTION 37, TOWNSHIP 3 NORTH, RANGE 24 EAST, NASSAU COUNTY, FLORIDA. SAID PORTION ALSO BEING THE SAME AS THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 645, PAGE 337, BOOK 1362, PAGE 36, AND BOOK 454, PAGE 584, OF THE PUBLIC RECORDS OF NASSAU COUNTY FLORIDA; BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT WHERE THE EASTERLY LINE OF SECTION 37, AFOREMENTIONED, INTERSECTS THE FLORIDA DEPARTMENT OF TRANSPORTATION SURVEY LINE FOR STATE ROAD NO. 15, (U.S. HIGHWAY NO. 1, A 150 FOOT RIGHT-OF-WAY); THENCE NORTHERLY ALONG THE ARC OF A CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 2864.93 FEET, AN ARC DISTANCE OF 248.78 FEET TO THE POINT OF TANGENCY OF SAID SURVEY LINE (THE AFOREMENTIONED ARC HAVING A CHORD BEARING AND DISTANCE OF NORTH 35°22'06" WEST); THENCE NORTH 57°07'14" EAST, A DISTANCE OF 100.00 FEET TO THE EASTERLY RIGHT-OF-WAY LINE OF SAID U.S. HIGHWAY NO. 1; THENCE NORTH 32°52'46" WEST, ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 213.60 FEET TO THE SOUTHEAST CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 645, PAGE 337, AFOREMENTIONED AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 32°52'46" WEST, ALONG SAID EASTERLY RIGHT-OF-WAY LINE, A DISTANCE OF 1049.45 FEET TO THE MOST WESTERLY CORNER OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1362, PAGE 36, AFOREMENTIONED; THENCE NORTH 56°55'24" EAST, ALONG THE NORTHWESTERLY LINE OF LAST SAID LANDS, A DISTANCE OF 295.02 FEET TO THE MOST NORTHERLY CORNER OF LAST SAID LANDS; THENCE NORTH 32°29'36" WEST, ALONG THE SOUTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 454, PAGE 584, AFOREMENTIONED, A DISTANCE OF 22.96 FEET TO THE MOST WESTERLY CORNER OF LAST SAID LANDS; THENCE NORTH 56°40'21" EAST, ALONG THE NORTHWESTERLY LINE OF LAST SAID LANDS, A DISTANCE OF 200.78 FEET TO THE MOST NORTHERLY CORNER OF THOSE LANDS AFOREMENTIONED; THENCE SOUTH 65°33'32" EAST, ALONG THE NORTHEASTERLY LINE OF LAST SAID LANDS, A DISTANCE OF 368.89 FEET TO A POINT IN THE EASTERLY LINE OF SECTION 37 AND THE NORTHEAST CORNER OF LAST SAID LANDS; THENCE SOUTH 00°16'32" EAST, ALONG LAST SAID EASTERLY LINE, A DISTANCE OF 924.88 FEET TO THE MOST EASTERLY CORNER OF SAID LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 645, PAGE 377; THENCE SOUTH 61°22'21" WEST, ALONG THE NORTHWESTERLY LINE OF THOSE LANDS AS DESCRIBED IN OFFICIAL RECORDS BOOK 1359, PAGE 408, A DISTANCE OF 197.31 FEET TO A POINT IN THE EASTERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY NO. 1, AFOREMENTIONED, AND THE POINT OF BEGINNING.

THE ABOVE DESCRIBED LANDS CONTAIN 12.02 ACRES, MORE OR LESS.

TOGETHER WITH THAT CERTAIN EASEMENT FOR INGRESS AND EGRESS AS DESCRIBED IN OFFICIAL RECORDS BOOK 454, PAGE 584, OF SAID PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA.

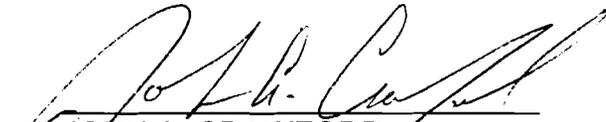
SECTION 3. EFFECTIVE DATE: This Ordinance shall become effective upon the effective date of Future Land Use Amendment CPA 07-007 which shall be thirty-one (31) days from the date of Adoption or as otherwise provided by Section 163.3187 (3) (a).

PASSED and ADOPTED this 27th day of August, 2007.

BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA

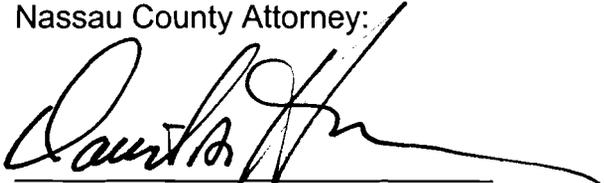

JIM B. HIGGINBOTHAM
Its: Chairman

ATTEST as to Chairman's Signature:


JOHN A. CRAWFORD
Its: Ex-Officio Clerk

REVIEWED BY GENE KNAGA
DEPUTY COMPTROLLER
 DATE 8/29/07

Approved as to form and legality by the
Nassau County Attorney:


DAVID A. HALLMAN



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

September 5, 2007

Mr. John A. Crawford, Ex-Officio Clerk
Nassau County
Board of County Commissioners
P.O. Box 1010
Fernandina Beach, Florida 32035-1010

Dear Mr. Crawford:

Thank you for submitting copies of the Nassau County Small Scale Development Plan Amendment, adopted by Ordinance No(s) 2007-27 & 2007-28 on August 27, 2007, for our records. The reference number for this amendment package is 07S04.

The Department **will not** conduct a compliance review or issue a Notice of Intent regarding the adopted small scale development plan amendment in accordance with procedures contained in Section 163.3187(3)(a), Florida Statutes.

If you have any questions, please contact Terri Stoutamire at (850) 922-1804.

Sincerely,

D. Ray Eubanks
Plan Review & Processing Administrator

DRE/ts

cc: Brian D. Teeple, Chief Executive Officer
Northeast Florida RPC

2555 SHUMARD OAK BOULEVARD TALLAHASSEE, FL 32399-2100
Phone: 850-488-8466/SUNCOM 278-8466 Fax: 850-921-0781/SUNCOM 291-0781
Website: www.dca.state.fl.us

COMMUNITY PLANNING
Phone: 850-488-2356/SUNCOM 278-2356
Fax: 850-488-3309/SUNCOM 278-3309

AREAS OF CRITICAL STATE CONCERN FIELD OFFICE
Phone: 305-289-2402
Fax: 305-289-2442

HOUSING AND COMMUNITY DEVELOPMENT
Phone: 850-488-7956/SUNCOM 278-7956
Fax: 850-922-5623/SUNCOM 292-5623



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

Jim B. Higginbotham
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Marianne Marshall

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

August 29, 2007

JOHN A. CRAWFORD
Ex-Officio Clerk

David A. Hallman
County Attorney

Ted Selby
Interim County Coordinator

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

RE: Small Scale Amendment – CPA07-005, William F. and Betty Nessler
Small Scale Amendment – CPA07-007, Henry M. and Viola Kelly

Dear Mr. Eubanks:

Enclosed are the required documents for submittal of the above referenced small scale Comprehensive Plan Amendments, adopted by the Nassau County Board of County Commissioners during a regular session held August 27, 2007.

These small scale Amendments are being submitted in accordance with Subsection 163.3187(1) (c) (2), Florida Statutes and Chapter 9J-11.015 Florida Administrative Code.

CPA07-005 is located on the north side of SR200/A1A between Griffin Road and Police Lodge Road, Yulee area. CPA07-007 is located on the east side of US Highway 1 between Sikes road and Kelly's Lane, between Hilliard and Callahan, Florida.

CPA07-005 - The number of acres for the referenced Amendment is approximately .91. The cumulative number of acres of small scale development amendment for the calendar year is –0- under categories listed in 2a, b, and c of the small scale development amendment submittal form and 9.86 acres under category listed in Item 2d of the small scale development amendment submittal form. The cumulative total number of acres of small scale development amendments for the calendar year is approximately 9.86 acres under category 3(b) of the small scale development amendment submittal form.

CPA07-007 - The number of acres for the referenced Amendment is approximately 5.0. The cumulative number of acres of small scale development amendment for the calendar year is –0- under categories listed in 2a, b, and c of the small scale development amendment submittal form and 14.86 acres under category listed in Item 2d of the small scale development amendment submittal form. The cumulative total number of acres of small scale development amendments for the calendar year is approximately 14.86 acres under category 3(b) of the small scale development amendment submittal form.

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

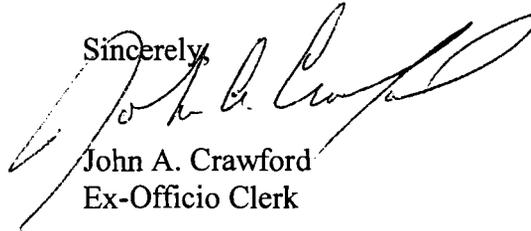
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Mr. D. Ray Eubanks
August 29, 2007
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Copies of the Ordinances adopting the small scale Amendments are also enclosed.

Should you need additional information or assistance, please do not hesitate to contact me.

Sincerely,



John A. Crawford
Ex-Officio Clerk

/ca

Enclosures

xc: Brian Teeple, Executive Director, Northeast Florida Regional Council
Walter Fufidio, Planning Director, Nassau County
Florida Department of Transportation
Lynn Griffin, Florida Department of Environmental Protection
Jeff Cole, St. Johns River Water Management District
Susan Harp, Department of State
Department of Agriculture & Consumer Services
Fish and Wildlife Conservation Commission
