

ORDINANCE No. 2008 - 19

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 FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO INDUSTRIAL (I) ON APPROXIMATELY 121 ACRES OF LAND BETWEEN HARTS ROAD AND CSX RIGHT-OF-WAY PURSUANT TO APPLICATION NUMBER CPA08-004; PROVIDING FOR A CHANGE FROM MEDIUM DENSITY RESIDENTIAL (MDR) TO CONSERVATION I (C) ON APPROXIMATELY 79 ACRES; PROVIDING FOR FINDINGS; ADOPTING A NEW POLICY 1.09.08(c) ACCEPTING THE APPLICANT'S VOLUNTARY PROFFER TO LIMIT DEVELOPMENT OF THE SITE; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Harts Road, LLC, owner of the real property described in this Ordinance, filed Application CPA08-004 for a Future Land Use amendment of the Nassau County Comprehensive Plan of approximately 121 acre portion of property from Medium Density Residential (MDR) to Industrial (I) and a corresponding change of approximately 79 acres from Medium Density Residential (MDR) to Conservation I (C); and

WHEREAS, the subject property has a concurrency reservation equivalent to 344 residential dwelling units; and

WHEREAS, the site is served by central water and wastewater and has multi-modal transportation facilities available; and

WHEREAS, the Applicant, F.D.O.T. and Nassau County will jointly fund the extension of William Burgess Blvd. to enhance the access of the subject property and simultaneously avoid the introduction of unusual amounts of truck traffic onto residential streets; and

WHEREAS, the Planning and Zoning Board, also acting in their capacity as Local Planning Agency (LPA), conducted a public hearing on August 5, 2008 and voted to recommend approval of CPA08-004 to the Board of County Commissioners; and

WHEREAS, the Board of County Commissioners conducted a transmittal hearing on this application on August 25, 2008; and

WHEREAS, the Department of Community Affairs conducted an interagency review of this application in accordance with Sec. 163.3184, F.S. and issued an Objections, Recommendations and Comments Report on November 10, 2008; and

WHEREAS, the Applicant and Nassau County submitted to DCA a response to the Objections, Recommendations and Comments Report addressing interagency objections and modifying the amendment 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 amendment is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan in particular Policies 1.10.03(C) and 1.01.04

SECTION 2. AMENDMENT

The following described property is hereby reclassified from Medium Density Residential (MDR) to Industrial (I). 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 the John Lowe Mill Grant, Section 42, Township 2 North, Range 27 East, Nassau County, Florida, being more particularly described as follows.

Begin at the intersection of the Northerly line of Lot 1, "Wide Road Acres", according to the plat thereof recorded in Plat Book 5, Pages 404-406, of the public records of Nassau County, Florida, with the Easterly right-of-way line of Harts Road, an 80 foot right-of-way as now laid out and in use; thence along said Easterly right-of-way line the following (5) courses; (1) North 22°32'31" West a distance of 616.85 feet to the beginning of a curve concave to the East having a radius of 758.08 feet; (2) thence Northerly along the arc of said curve through a central angle of 25°51'00", an arc distance of 342.02 feet and being subtended by a chord bearing North 09°37'01" West a distance of 339.13 feet; (3) thence North 03°18'29" East a distance of 1803.37 feet; (4) thence South 89°17'53" West a distance of 10.02 feet to a point where said right-of-way transitions to a 60 foot right-of-way; (5) thence North 03°18'29" East a distance of 3625.08 feet; thence North 51°09'44" East, departing said Easterly right-of-way line, a distance of 177.53 feet; thence South 38°50'16" East a distance of 690.40 feet; thence North 51°14'34" East a distance of 567.90 feet to intersect the Westerly right-of-way line of the C.S.X. Railroad right-of-way (a transitional right-of-way); thence South 14°43'23" East, along said Westerly right-of-way line, a distance of 2073.63 feet to a point where said right-of-way becomes a 200 foot right-of-way; thence South 05°55'38" West, along said Westerly right-of-way line, a distance of 3956.58 feet to the Northeasterly corner of Lot 36, "Wide Road Acres", according to the plat thereof recorded in Plat Book 5, Pages 404-406, of the public records of Nassau County, Florida; thence South 67°27'21" West, along the Northerly line of said Lot 36, a distance of 394.32 feet to the Southeasterly corner of aforesaid Lot 1; thence North 22°31'30" West, along the Easterly line of said Lot 1, a distance of 150.08 feet to the Northeasterly corner thereof; thence South 67°28'48" West, along the Northerly line of said Lot 1, a distance of 780.46 feet to the POINT OF BEGINNING.

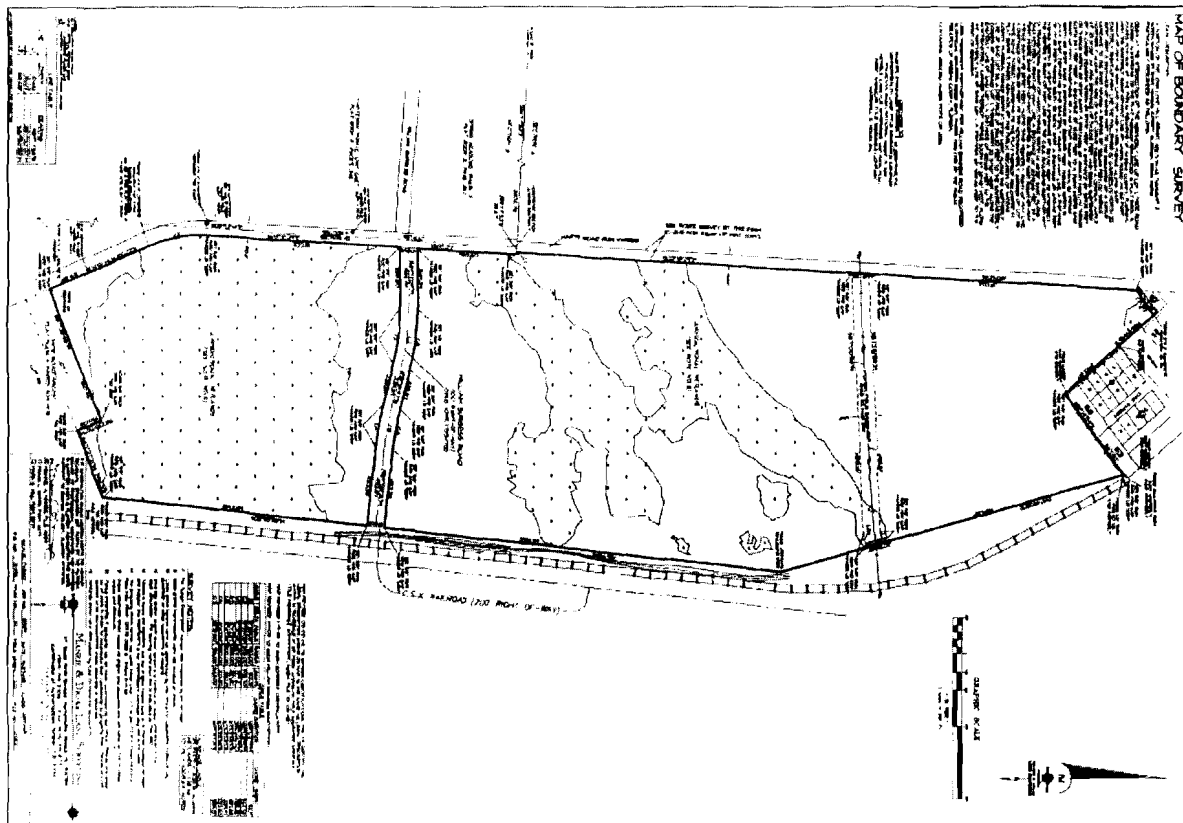
Less therefrom right-of-way for William Burgess Road recorded in Official Record Book 1049, Pages 1753-1755 of the public records of Nassau County, Florida.

LESS AND EXCEPT approximately 79 acres of jurisdictional wetlands delineated by LG2 Environmental Solutions, Inc depicted in Manzie and Drake survey dated 9-27-05.

SECTION 3. AMENDMENT (continued)

The following described property is reclassified from Medium Density Residential (MDR) to Conservation I (C). The limits of the Conservation area are subject to minor refinement to reflect the more exacting description when the property has been issued an Environmental Resources Permit by the St. Johns River Water Management District. 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.

Approximately 79 acres of jurisdictional wetlands delineated by LG2 Environmental Solutions, Inc and depicted in Manzie and Drake survey dated 9-27-05, containing 79 acres more or less.



SECTION 4. ADOPTING NEW POLICY 1.09.08(c)

A new Policy 1.09.08 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:

- a) Approximately 25 acres in Section 39, Township 2N, Range 26 East and Section 44, Township 2N, Range 27 East located in the northeast quadrant of the interchange of Interstate 95 and S.R. 200 lying north of the electric transmission line easement recorded in O.R. 123 at page 284. This property was the subject of CPA06-007 and is owned by Corporate Realty Advisors of Jacksonville Beach. Said parcel is limited to 250,000 square feet of shopping center, ITE Code 820 or an equivalent commercial use, or combination of uses, generating no more than 982 new p.m. peak hour trips (total trips minus pass-by trips).
- b) Approximately 149.88 acres lying in Section 35, Township 4N, Range 26 East and Section 02, Township 3N, Range 26 East located in the northwest quadrant of the interchange of Interstate 95 and U.S. Highway 17. This property was the subject of CPA08-005 and is owned by 17/95 RV Park LLC of Fernandina Beach. Said parcel is limited to 1,209,300 square feet of general light industrial, ITE Code 110 or an equivalent combination of industrial uses generating no more than 1,572 p.m. peak hour trips.
- c) Approximately 200 acres lying in Section 42, Township 2N, Range 27 East located near the intersection of William Burgess Blvd. and Harts Road. This property was the subject of CPA08-004 and is owned by Harts Road LLC of Fernandina Beach. Said parcel is limited to 2,050,000 square feet of High Cube Warehouse, ITE Code 152 or an equivalent combination of industrial uses generating no more than 305 p.m. peak hour trips.

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 8th DAY OF December, 2008 BY THE BOARD OF
COUNTY COMMISSIONERS OF NASSAU COUNTY, FLORIDA.


BOARD OF COUNTY COMMISSIONERS
NASSAU COUNTY, FLORIDA


BARRY 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