

**ORDINANCE NO. 2009 - 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 OF APPROXIMATELY 151.8 ACRES FROM AGRICULTURE (AG) TO MEDIUM DENSITY RESIDENTIAL (MDR), AND 36.2 ACRES FROM AG TO HIGH DENSITY RESIDENTIAL (HDR) AND 15.58 ACRES FROM AG TO CONSERVATION I; PROVIDING FOR A NEW POLICY 1.09.08(D) TO PHASE BUILD OUT OF DEVELOPMENT THROUGH 2035; PROVIDING FOR FINDINGS; PROVIDING FOR TRANSMITTAL; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, 1995 Cook Partnership, LLC, owner of the real property described in this Ordinance, filed Application CPA09-001 for a Future Land Use amendment of the Nassau County Comprehensive Plan of approximately 151.8 acres from Agriculture (AG) to Medium Density Residential (MDR) and approximately 36.2 acres from Agriculture (AG) to High Density Residential (HDR) and approximately 15.58 acres from Agriculture (AG) to Conservation I; and

**WHEREAS**, the property is located immediately adjacent to existing public facilities including water/sewer service as well as the Nassau County Judicial complex and FCCJ campus.

**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 March 3, 2009 and voted to recommend approval of CPA09-001 to the Board of County Commissioners; and

**WHEREAS**, on April 13, 2009 the Board of County Commissioners conducted a public hearing on this matter and authorized transmittal of CPA09-001 as part of the first semi-annual amendment cycle of 2009; and

**WHEREAS**, on June 19, 2009 the Dept. of Community Affairs issued an Objections, Recommendations and Comments (ORC) Report; and

**WHEREAS**, on July 29, 2009 Nassau County forwarded a draft ORC Response to the Dept. of Community Affairs, reviewed and discussed the ORC Response with the Applicant and the department, and will make the Final ORC Response part of the County's compliance submittal pursuant to Rule 9J-11.011, F.A.C.; and

**WHEREAS**, public notice of all public hearings have 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**

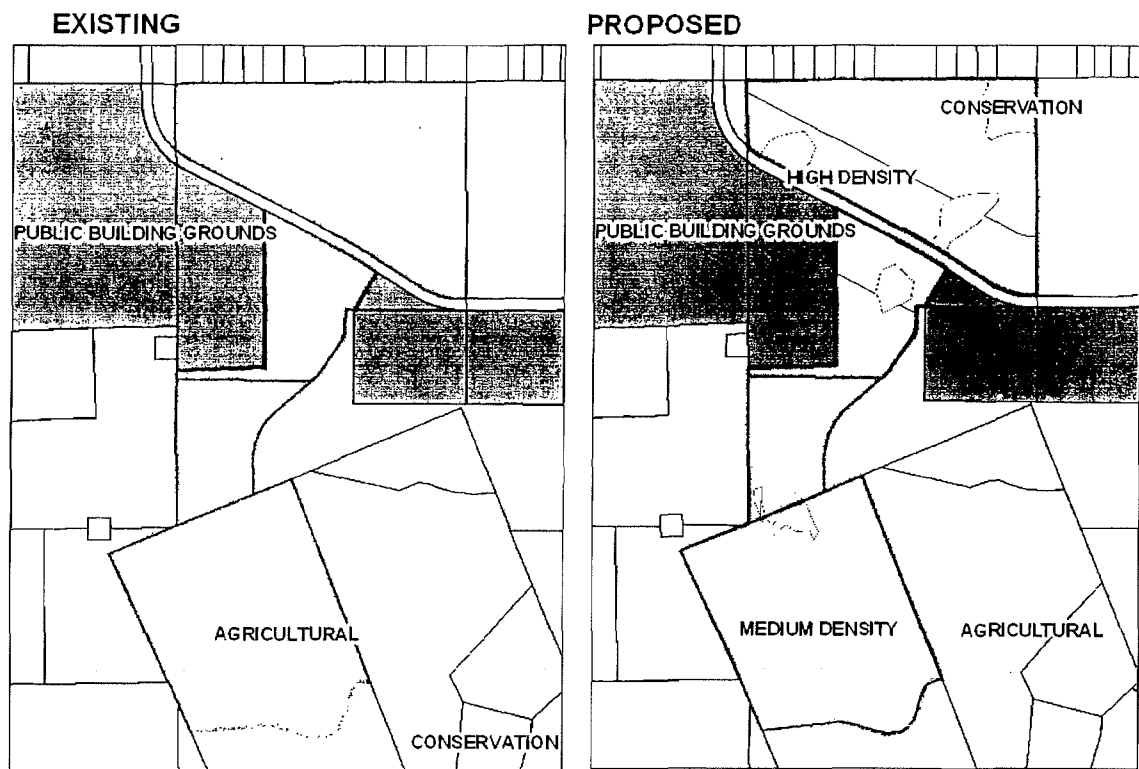
- A. This action complies with Chapter 163, Part II, Florida Statutes and Rule 9J-5, F.A.C.
- B. This action is consistent with the goals, objectives and policies of the Nassau County Comprehensive Plan, in particular Polices 1.01.04 and 1.02.05(a)(2)(d) and Objective 5.07.

## **SECTION 2. AMENDMENT**

The property identified graphically below and identified by Tax Parcel ID Nos. 08-2N-27-0000-0002-0000, 08-2N-27-0000-0004-0000 and 08-2N-27-0000-0003-0000 is hereby reclassified on the Future land Use Map series of the Nassau County Comprehensive Plan from Agriculture (AG) to Medium Density Residential (MDR), High Density Residential (HDR), and Conservation I. 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.

### **FUTURE LAND USE AMENDMENT** **CPA09-001**

0 300 600 1,200 1,800 2,400 Feet



**SECTION 3. ADOPTING NEW POLICY 1.09.08(d)**

A new Policy 1.09.08(d) 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:

- d) Approximately 203.58 acres lying in Section 8, Township 2N, Range 27 East located between the Nassau County Judicial Complex and the Florida State College at Jacksonville Nassau Campus. This property was the subject of CPA09-001 and is owned by 1995 Cook Limited Partnership LLC of Callahan, Florida. The development of said parcel is limited by the following phasing schedule. The parcel shall not be permitted to develop in advance of this schedule unless all infrastructure to support the phase is in place or included in a financially feasible capital improvement program of the State of Florida or Nassau County.

PHASE DATES	DWELLING UNITS	EQUIVALENT PMPH TRIPS
Phase I, Effective date – 12/31/2015	268	232
Phase II, 1/1/2016 – 12/31/2025	212	142
Phase III, 1/1/2026	268	184

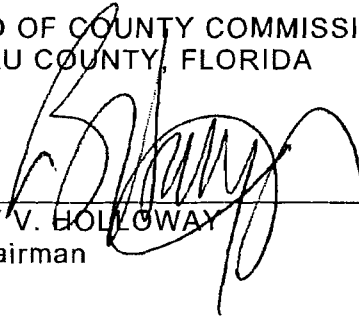
**SECTION 4. EFFECTIVE DATE**

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.

**ENACTED AND ADOPTED BY THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS, this 24th day of August, 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



STATE OF FLORIDA  
**DEPARTMENT OF COMMUNITY AFFAIRS**

*"Dedicated to making Florida a better place to call home"*

CHARLIE CRIST  
Governor

THOMAS G. PELHAM  
Secretary

October 20, 2009

The Honorable Barry V. Holloway, Chairman  
Board of Nassau County Commissioners  
96160 Nassau Place  
Yulee, Florida 32097

Dear Chairman Holloway:

The Department has completed its review of the Nassau County's comprehensive plan amendments adopted on August 24, 2009 by Ordinance Nos. 2009-19 and 2009-20 (DCA No. 09-1). The Department has determined that the amendment meets the requirements of Chapter 163, Part II, Florida Statutes (F.S.), for compliance, as defined in Section 163.3184(1)(b), F.S. However, the Department notes the Northeast Florida Regional Council's comments (copy attached) regarding the need to work with Baker County and the Town of Macclenny to address traffic impacts along US 90 and CR 228.

The Department is therefore issuing a Notice of Intent to find the plan amendment In Compliance. The Notice of Intent has been sent to the Fernandina Beach News Leader newspaper for publication on October 21, 2009. Please be advised that Section 163.3184(8)(c)2, F.S., requires a local government that has an Internet site to post a copy of the Department's Notice of Intent on the site within five days after receipt of the mailed copy of the agency's Notice of Intent.

Please note that a copy of the adopted Nassau County comprehensive plan amendments and the Notice of Intent must be available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at Office of Growth Management, 96161 Nassau Place, Yulee, Florida 32097.

The Department's Notice of Intent to find a plan amendment in compliance shall be deemed to be final order if no timely petition challenging the amendment is filed. Any affected person may file a petition with the agency within 21 days after the publication of the Notice of Intent pursuant to Section 163.3184(9), F.S. No development orders, or permits for development, dependent on the amendment, may be issued or construction commence before the plan amendment takes effect.

2555 SHUMARD OAK BOULEVARD • TALLAHASSEE, FL 32399-2100  
850-488-8466 (p) • 850-921-0731 (f) • Website [www.dca.state.fl.us](http://www.dca.state.fl.us)

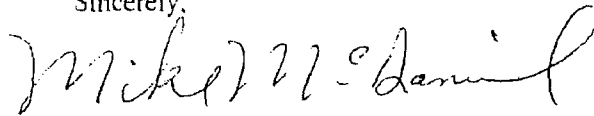
• COMMUNITY PLANNING 850-488-1356 (p) 850-488-3308 (f) • FLORIDA COMMUNITIES TRUST 850-920-1207 (p) 850-921-1747 (f) •  
• HOUSING AND COMMUNITY DEVELOPMENT 850-488-7556 (p) 850-920-5623 (f) •

The Honorable Barry V. Holloway  
October 20, 2009  
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If this in compliance determination is challenged by an affected person, you will have the option of mediation pursuant to Subsection 163.3189(3)(a), F.S. If you choose to attempt to resolve this matter through mediation, you must file the request for mediation with the administrative law judge assigned by the Division of Administrative Hearing. The choice of mediation will not affect the right of any party to an administrative hearing.

If you have any questions, please contact Joseph Murphy, Planner II, Division of Community Planning, at (850) 921-4767.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is fluid and cursive, with the first name "Mike" and last name "McDaniel" clearly distinguishable.

Mike McDaniel, Chief  
Office of Comprehensive Planning

MM/jm

Enclosure(s): Notice of Intent

cc: Mr. Walter Fufidio, Planning Director, Nassau County  
Mr. Ed Lehman, Growth Management Director, Northeast Florida Regional Council

STATE OF FLORIDA  
DEPARTMENT OF COMMUNITY AFFAIRS  
NOTICE OF INTENT TO FIND  
NASSAU COUNTY  
COMPREHENSIVE PLAN AMENDMENT  
IN COMPLIANCE  
DOCKET NO. 09-1-NOI-4501-(A)-(I)

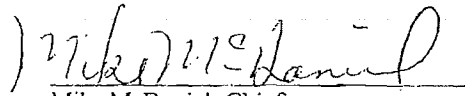
The Department gives notice of its intent to find the Amendment to the Comprehensive Plan for Nassau County, adopted by Ordinance No. 2009-19 and 2009-20 on August 24, 2009, IN COMPLIANCE, pursuant to Sections 163.3184, 163.3187 and 163.3189, F.S.

The adopted Nassau County Comprehensive Plan Amendment and the Department's Objections, Recommendations and Comments Report, (if any), are available for public inspection Monday through Friday, except for legal holidays, during normal business hours, at the Nassau County Office of Growth Management, 96161 Nassau Place, Yulee, Florida 32097.

Any affected person, as defined in Section 163.3184, F.S., has a right to petition for an administrative hearing to challenge the proposed agency determination that the Amendment to the Nassau County Comprehensive Plan is In Compliance, as defined in Subsection 163.3184(1), F.S. The petition must be filed within twenty-one (21) days after publication of this notice, and must include all of the information and contents described in Uniform Rule 28-106.201, F.A.C. The petition must be filed with the Agency Clerk, Department of Community Affairs, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100, and a copy mailed or delivered to the local government. Failure to timely file a petition shall constitute a waiver of any right to request an administrative proceeding as a petitioner under Sections 120.569 and 120.57, F.S. If a petition is filed, the purpose of the administrative hearing will be to present evidence and testimony and forward a recommended order to the Department. If no petition is filed, this Notice of Intent shall become final agency action.

If a petition is filed, other affected persons may petition for leave to intervene in the proceeding. A petition for intervention must be filed at least twenty (20) days before the final hearing and must include all of the information and contents described in Uniform Rule 28-106.205, F.A.C. A petition for leave to intervene shall be filed at the Division of Administrative Hearings, Department of Management Services, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060. Failure to petition to intervene within the allowed time frame constitutes a waiver of any right such a person has to request a hearing under Sections 120.569 and 120.57, F.S., or to participate in the administrative hearing.

After an administrative hearing petition is timely filed, mediation is available pursuant to Subsection 163.3189(3)(a), F.S., to any affected person who is made a party to the proceeding by filing that request with the administrative law judge assigned by the Division of Administrative Hearings. The choice of mediation shall not affect a party's right to an administrative hearing.

  
Mike McDaniel, Chief  
Office of Comprehensive Planning  
Department of Community Affairs  
2555 Shumard Oak Boulevard  
Tallahassee, Florida 32399-2100

FORM C-7

NORTHEAST FLORIDA REGIONAL COUNCIL

REGIONAL PLANNING COUNCIL  
AMENDMENT REVIEW FORM  
FY 2009-2010

1. Local Government Name: Nassau County
2. Amendment Number: 09-1
3. Is the RPC precluded from commenting on the proposed plan or element pursuant to s. 163.3184(5) F.S., or Rule 9J-11.0084, L.O.F.; or commenting on the proposed amendment pursuant to s. 163.32465(4)(b), F.S.?

(YES) (NO)

4. Date DCA Notified RPC that Amendment Package was Complete, if Applicable: N/A
5. Date Amendment Review must be Completed and Transmitted to DCA: October 4, 2009
6. Date the Amendment Review was transmitted to DCA: October 2, 2009
7. Description of the Amendment:

Amendment 09-1 contains two changes to Nassau County's Future Land Use Element, and two changes to Future Land Use Element Policy 1.09.08. Each text change is a site-specific amendment that corresponds to one of the two changes to the Future Land Use Element.

**CPA 09-001: Changes 203.6 acres from Agriculture (AG) to: 36.2 acres High Density Residential (HDR); 151.8 acres to Medium Density Residential (MDR); and 15.58 acres to Conservation I (CON).**

*Corresponding text amendment*  
(Underline = new text)

Policy 1.09.08(d): Approximately 203.58 acres lying in Section 8, Township 2N, Range 27 East located between the Nassau County Judicial Complex and the Florida State College of Jacksonville Nassau Campus. This property was the subject of CPA09-001 and is owned by 1995 Cook Limited Partnership LLC of Callahan, Florida. The development of said parcel is limited by the following phasing schedule. The parcel shall not be permitted to develop in advance of this schedule unless all infrastructure to support the phase is in place or included in a financially feasible capital improvement program of the State of Florida or Nassau County.



<u>Phase Dates</u>	<u>Dwelling Units</u>	<u>Equivalent PMPH Trips</u>
Phase I, Effective date - 12/31/2015	268	232
Phase II, 1/1/2016 - 12/31/2025	212	142
Phase III, 1/1/2026	268	184

*Note: The last sentence of Policy 1.09.08(e) preceding the phasing schedule table references a "financially feasible capital improvement program of the State of Florida." For clarification purposes, the County may want to change the last sentence to reflect the requirements of s. 163.3177(3)(a)6, F.S., which reads:*

*"The [capital improvement] schedule must include transportation improvements included in the applicable metropolitan planning organization's transportation improvement program adopted pursuant to s. 339.175(8) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. The schedule must also be coordinated with the applicable metropolitan planning organization's long-range transportation plan adopted pursuant to s. 339.175(7)."*

**CPA 09-002: Changes 491 acres from Agriculture (AG) to: 46 acres Commercial (COM) and 445 acres Industrial (IND)**

*Corresponding text amendment  
(Underline = new text)*

Policy 1.09.08(e) Approximately 487.19 acres lying in Sections 59.30 and 31, township 2S, Range 23 East located between U.S. Route 90 and Interstate 10. This property was the subject of CPA09-002 and is owned by ICI Villages LLC of Daytona Beach, Florida. Conservation easements shall be established pursuant to Sec. 704.06 F.S. in order to preserve and maintain a minimum of seventy-five (75) acres south of the CSX rail line and shall be classified as Conservation I. The easements shall be established prior to the first site plan approval on the industrial site. The limits of this conservation area are subject to minor refinement to reflect a more exacting description when the property has been issued an Environmental Resource Permit by the St. Johns Water Management District.

Development of the Subject property shall be limited to 2,350,000 square feet of uses permitted in the Industrial portion and 40,000 enclosed square feet of uses permitted in the Commercial portion that altogether generate no more than 688 external p.m. peak hour trips. Any development of the property that would generate more than 688 peak hour trips must be preceded by an amendment to the Schedule of Capital Improvements including any roadway improvements needed to achieve and maintain the adopted level of service based upon the maximum development potential. The Capital Improvements contained in the Comprehensive Plan Amendment shall be derived from a traffic impact study whose methodology is acceptable to the City of Jacksonville Planning and Development Department, Nassau County Growth Management Department, and the Florida Department of Transportation.

Nassau County Adopted Amendment 09-1

Please complete the following table for each individual proposed amendment to the Future Land Use Map (FLUM) only:

Existing FLUM Category	Proposed FLUM Category	Existing Maximum Density (DU/Acre)	Proposed Maximum Density (DU/Acre)	Existing Maximum Intensity (FAR)	Proposed Maximum Intensity (FAR)	Net Increase or (Decrease) in Maximum Density	Non-Residential Net Increase or (Decrease) in Potential Floor Area
CPA 09-001							
AG	HDR	1 unit per 20 acres	3.64 units per acre*	N/A	N/A	Net increase of 732 units*	N/A
	MDR						
	CON						
* Total number of dwelling units restrict by corresponding FLUE Policy 1.09.08(d)							
CPA 09-002							
AG	COM	1 unit per 20 acres	N/A	N/A	40,000 sqft*	N/A	40,000 sqft*
	IND				2,350,000 sqft*	N/A	2,350,000 sqft
* Development potential of site limited by corresponding FLUE Policy 1.09.08(e)							
Total increase in potential dwelling units for Amendment 09-2ARB:							732 units
Total Increase in potential non-residential floor area for Amendment 09-2ARB:							2,390,000 sqft

8. Is the Amendment consistent with the Strategic Regional Policy Plan?

Generally, Amendment 09-1 is consistent with the Strategic Regional Policy Plan.

9. Applicable Strategic Regional Policy Plan Goals and Objectives:

This amendment is generally consistent with the following SRPP Goals:

Regional Goal 5.2: *To protect the region's investment in transportation facilities by managing growth to use existing facilities and developing high-density multi-modal corridors.*

Regional Goal 2.3: *An environment that is conducive to the creation and relocation of new businesses as well as the expansion of existing businesses in the northeast Florida region.*

10. The effects on the Proposed Amendment on Regional Resources or Facilities Identified in the Strategic Regional Policy Plan:

None identified.

11. Extra-Jurisdictional Impacts that would be Inconsistent with the Comprehensive Plan of the Affected Local Government:

No extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of an affected local government were identified.

**Analysis of the effects of the proposed amendments on the following issues to the extent they are addressed in the Strategic Regional Policy Plan on:**

12. Compatibility among local plans including, but not limited to, land use and compatibility with military bases:

This amendment is compatible with local plans and military bases.

13. Impacts to significant regional resources and facilities identified in the Strategic Regional Policy Plan, including, but not limited to, impacts on groundwater recharge and the availability of water supply:

No impacts to significant regional resources or facilities were identified.

14. Affordable housing issues and designation of adequate sites for affordable housing:

No affordable housing issues of regional significance were identified.

15. Protection of natural resources of regional significance identified in the Strategic Regional Policy Plan including, but not limited to, protection of spring and groundwater resources, and recharge potential:

No impacts to natural resources of regional significance were identified.

16. Compatibility with regional transportation corridors and facilities including, but not limited to, roadways, seaports, airports, public transportation systems, high speed rail facilities, and intermodal facilities:

**CPA 09-001**

At transmittal, NEFRC made the following recommendation:

"Staff agrees with Nassau County staff that additional data and analysis are needed to adequately assess the transportation impacts from the proposed land use change. The proposed change will result in an increase in potential peak hour traffic volumes by 470 peak hour trips. This amendment should not be adopted unless adequate data and analysis are included that support any necessary changes to the 5-year Capital Improvements Element for infrastructure needs."

*Note: A review of the affected links on SR 200 (A1A) indicates that level of service standards will be maintained.*

**CPA 09-002**

*Note: See Criteria 18.*

17. Adequacy and compatibility with emergency preparedness plans and local mitigation strategies including, but not limited to, the impacts on and availability of hurricane shelters, maintenance of county hurricane clearance times, and hazard mitigation:

Of the 2 amendments 09-001 and 09-002, only 09-001 increases residential population capacity.

*Note: Amendment 09-001 proposes to increase density very slowly over a 15 year period. While development of this type does not individually create a significant impact to these clearance and shelter space, the cumulative impacts after the fifteen years would be significant, and warrant mitigation.*

18. Analysis of the effects of extra-jurisdictional impacts which may be created by the amendment:

**CPA 09-002**

The amendment affects Interstate 10, which is classified as a limited access, Regional transportation facility within the SRPP. A transportation study was submitted as part of the adopted amendment, and shows that there is available capacity through 2011 to accommodate 718 PM peak hour trips.

*Note: Although the limitations on development maintain the adopted level of service standards, staff is concerned that truck traffic resulting from the project will adversely affect US 90 through the Town of Macclenny.*

*Note: NEFRC urges Nassau and Duval Counties to continue to work with Baker County and the Town of Macclenny to address truck traffic impact along US 90 and CR 228.*

**Recommendation:**

**Staff respectfully recommends that the Committee and the Council find Nassau County Adopted Amendment 09-1 consistent with the Northeast Florida Strategic Regional Policy Plan.**

**NEFRC BOARD RECOMMENDATION, as amended at 10/01/09 meeting:**

**NEFRC Board recommends that the City of Macclenny and Baker County be included, not as an approving party, but in the discussions as the developer and Nassau County work through the Development Agreement (DO) for the first phases of the development, and that Nassau County's Adopted Amendment 09-1 as amended, is consistent with the Northeast Florida Strategic Regional Policy Plan.**