

## **ORDINANCE NO. 2021-09**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA, REZONING THE PROPERTY LOCATED ON THE WEST SIDE OF U.S. 301 (U.S. HIGHWAY 1/STATE ROAD NO. 5) TO THE SOUTH OF THE INTERSECTION WITH HENRY SMITH ROAD, AND WEST OF OLD DIXIE HIGHWAY/KINGS ROAD, DESCRIBED IN ATTACHMENT "A", LEGAL DESCRIPTION FROM A-1, AGRICULTURAL TO PUD, PLANNED UNIT DEVELOPMENT, DESCRIBED IN ATTACHMENT "B", AND ATTACHMENT "C" SITE PLAN; PROVIDING FOR SEVERABILITY, REPEALER, AND SETTING AN EFFECTIVE DATE.**

**WHEREAS**, the property described below is currently designated as A-1, Agricultural, and

**WHEREAS**, the owner has requested to rezone the property described below to PUD, Planned Unit Development;

**WHEREAS**, the Town Council has completed a review of the PUD request and finds it in compliance with the Comprehensive Plan and does not adversely impact the health, safety and welfare of the Town's residents.

**NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF HILLIARD, FLORIDA, AS FOLLOWS:**

**SECTION 1.** Recitals. The foregoing findings are true and correct and are hereby adopted and made a part hereof.

**SECTION 2.** Legal Description. The property described in Attachment "A", Legal Description is hereby rezoned from A-1, Agricultural, to PUD, Planned Unit Development:

Parcel Nos.: #15-3N-24-2320-0019-0000  
#15-3N-24-2320-0020-0000  
#15-3N-24-2320-0021-0000  
#22-3N-24-2320-0025-0000  
#22-3N-24-2320-0041-0000


**SECTION 3.** PUD Plan. This ordinance and Attachments "B" and "C" are the land use plan for the PUD created by this ordinance. Development of and uses within the PUD shall conform to the limitations and conditions set forth in this ordinance and land use plan. If this ordinance and the attachments conflict, this ordinance controls.

**SECTION 4.** Recording. The Town Clerk is authorized and directed to forward a certified copy of this Ordinance to the Clerk of the Circuit Court for recordation and to the Nassau County Property Appraiser to update any records as may be deemed necessary.

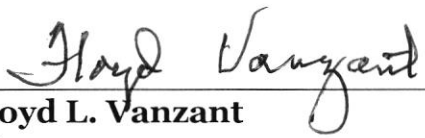
Adopted this 6<sup>th</sup> day of January, 2022, by the  
Hilliard Town Council, Hilliard, Florida.

  
\_\_\_\_\_  
John P. Beasley  
Council President

ATTEST:

  
\_\_\_\_\_  
Lisa Purvis  
Town Clerk

APPROVED:

  
\_\_\_\_\_  
Floyd L. Vanzant  
Mayor

P&Z Publication:	September 22, 2021
P&Z Public Hearing:	October 12, 2021
TC 1 <sup>st</sup> Publication:	October 27, 2021
TC 1 <sup>st</sup> Public Hearing:	November 4, 2021
TC 2 <sup>nd</sup> Publication:	December 1, 2021
TC 2 <sup>nd</sup> Public Hearing:	January 6, 2022

**ATTACHMENT "A"**  
**LEGAL DESCRIPTION**

## LEGAL DESCRIPTION

A PART OF SECTION 15 AND 22, TOWNSHIP 3 NORTH, RANGE 24 EAST, ALSO BEING A PART OF LOTS 19 THROUGH 33 AND LOT 41 AND 42, OF THE PLAT OF JOSEPH R. DUNNS FRUIT AND TRUCK FARMS, DEED BOOK B-10, PAGE 48, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHWEST CORNER OF THOSE LANDS, AS DESCRIBED IN OFFICIAL RECORDS BOOK 1499, PAGE 1567, OF SAID PUBLIC RECORDS SAID POINT LYING ON THE EASTERLY RIGHT OF WAY LINE OF HENRY SMITH ROAD (AN 80.00 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE NORTH  $87^{\circ}39'23''$  EAST, ALONG THE NORTHERLY LINE OF SAID LANDS AND ALONG THE NORTHERLY LINE OF SAID LOT 21, A DISTANCE OF 290.39 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTHERLY LINE OF LOT 21, NORTH  $87^{\circ}39'23''$  EAST, A DISTANCE OF 85.71 FEET TO A POINT ON THE NORTHEASTERLY RIGHT OF WAY LINE OF A 33.00 FOOT WIDE AT&T EASEMENT, AS RECORDED IN DEED BOOK 161, PAGE 141, OF THE PUBLIC RECORDS OF SAID COUNTY; THENCE SOUTH  $46^{\circ}44'38''$  EAST ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 204.23 FEET TO AN ANGLE POINT IN SAID EASEMENT LINE; THENCE SOUTH  $51^{\circ}40'39''$  EAST CONTINUING ALONG SAID NORTHEASTERLY LINE, A DISTANCE OF 443.23 FEET; THENCE NORTH  $87^{\circ}37'19''$  EAST LEAVING SAID NORTHEASTERLY LINE, A DISTANCE OF 448.48 FEET; THENCE SOUTH  $01^{\circ}08'07''$  EAST, A DISTANCE OF 240.90 FEET; TO THE NORTHWEST CORNER OF SAID LOT 19; THENCE NORTH  $89^{\circ}23'00''$  EAST, ALONG THE NORTH LINE THEREOF, A DISTANCE OF 707.97 FEET TO ITS INTERSECTION WITH THE SOUTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 1, STATE ROAD No. 5 (A 150.00 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE SOUTH  $52^{\circ}21'44''$  EAST, ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE, A DISTANCE OF 1003.50 FEET; THENCE SOUTH  $00^{\circ}48'01''$  EAST, LEAVING SAID SOUTHWESTERLY RIGHT OF WAY LINE AND ALONG THE EASTERLY LINE OF A PORTION OF LOT 20 AND THE EASTERLY LINE OF SAID LOTS 25 THROUGH 33, A DISTANCE OF 3027.16 FEET; THENCE SOUTH  $89^{\circ}07'00''$  WEST ALONG THE SOUTHERLY LINE OF SAID LOT 33, A DISTANCE OF 1346.53 FEET; THENCE NORTH  $01^{\circ}36'17''$  WEST ALONG THE WESTERLY LINE OF SAID LOTS 33, 32, 31, 30, 29, 28 AND 27, A DISTANCE OF 2310.07 FEET TO THE POINT ON THE SOUTHERLY LINE OF LOT 42; THENCE SOUTH  $89^{\circ}06'58''$  WEST ALONG SAID SOUTHERLY LINE OF LOT 42, A DISTANCE OF 1236.89 FEET; THENCE NORTH  $01^{\circ}35'16''$  WEST, ALONG THE WEST LINE OF SAID SECTION 22, A DISTANCE OF 660.02 FEET TO A POINT AT THE NORTHEAST CORNER OF SAID SECTION 21; THENCE SOUTH  $89^{\circ}37'27''$  WEST ALONG THE SOUTHERLY LINE OF SECTION 15, A DISTANCE OF 194.14 FEET TO THE SOUTHWEST CORNER OF SAID SECTION 15; THENCE NORTH  $02^{\circ}09'17''$  WEST ALONG THE WEST LINE OF SAID SECTION 15, A DISTANCE OF 331.25 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF HENRY SMITH ROAD (AN 80 FOOT RIGHT OF WAY AS NOW ESTABLISHED); THENCE IN A NORTHEASTERLY DIRECTION ALONG AND AROUND AN ARC OF A CURVE (CONCAVE WESTERLY AND HAVING A RADIUS OF 561.62 FEET) A DISTANCE OF 213.52 FEET, (SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF NORTH  $08^{\circ}14'29''$  EAST, 212.23 FEET) TO A POINT OF TANGENCY;

THENCE NORTH  $02^{\circ}01'26''$  WEST CONTINUING ALONG SAID EASTERLY RIGHT OF WAY LINE, A DISTANCE OF 510.06 FEET TO A POINT AT THE SOUTHWEST CORNER OF SAID LANDS RECORDED IN OFFICIAL RECORDS BOOK 1499, PAGE 1567, SAID POINT BEING THE CUSP OF A CURVE, THENCE IN A SOUTHEASTERLY DIRECTION ALONG AND AROUND AN ARC OF A CURVE (CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET) A DISTANCE OF 39.24 FEET (SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH  $47^{\circ}22'06''$  EAST, 35.34 FEET) TO A POINT OF TANGENCY; THENCE NORTH  $87^{\circ}47'15''$  EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 265.90 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH  $02^{\circ}08'54''$  WEST ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 300.84 FEET TO THE POINT OF BEGINNING.

**ATTACHMENT "B"**  
**WRITTEN DESCRIPTION**

**Greenbrier Planned Unit Development**  
**PUD Written Description**  
**August 9, 2021**  
**Revised December 7, 2021**

**I. PROJECT DESCRIPTION**

This application is for the Greenbrier Planned Unit Development (“PUD”) and is submitted by National Land Partners II, LLC, a Delaware limited liability company (“Applicant”), the contract purchaser of the property as described herein. The Greenbrier PUD proposes to rezone approximately 161.25 acres located at the Town’s southwest boundary, from A-1 to PUD to develop a maximum of 350 single-family residential units with related amenities and a maximum of 70,000 square feet of commercial uses. All references herein to the Applicant shall include the Applicant’s successors and assigns.

The property, as more particularly described in **Exhibit “A”** attached hereto (the “Property”), is located west of U.S. 301/U.S. Highway 1/State Road No. 5 (hereinafter, “U.S. 1”) to the south of the intersection with Henry Smith Road, and west of Old Dixie Highway/Kings Road. The Property has Real Estate Identification Nos. 15-3N-24-2320-0019-0000; 15-3N-24-2320-0020-0000; 15-3N-24-2320-0021-0000; 22-3N-24-2320-0025-0000; and 22-3N-24-2320-0041-0000.

The Property has a Future Land Use map designation (“FLUM”) of Mixed Use and Conservation. The Mixed Use portion of the site includes approximately 126.7 acres (126.04 uplands plus 0.66 acres of wetland impacts) and the Conservation portion of the site is approximately 34.55 acres. The Mixed Use FLUM designation seeks to promote a combination of residential and commercial development, and allows for up to 12 dwelling units per acre and a maximum intensity of 50 percent of lot/parcel coverage for commercial uses. The Property meets the requirements of the Mixed Use District FLUM designation by promoting a diversity of land uses including residential, commercial and office. As designed the project includes approximately 50.71 +/- acres of residential lots (40% of the Mixed Use area), 25.19 acres of non-residential uses (20% of the Mixed Use area), with the remaining portion of the Mixed Use lands being a combination of open space and shared infrastructure.

The purpose of this application is to reinstate and amend the maximum development approvals which the Town approved in 2004 under the Greenbrier Planned Unit Development (PUD Conditions dated September 14, 2004) in Ordinance No. 2004-15 (the “Original PUD”). The PUD text revises and expands upon the Original PUD to incorporate site-specific regulations to address development and topographic conditions and transitioning land uses.

A preliminary conceptual site plan indicating the general layout of the site is attached to the PUD as **Exhibit “B”** (the “Conceptual Site Plan”). The Conceptual Site Plan is conceptual only and may be subject to change due to site characteristics, design and engineering factors. The Conceptual Site Plan shows the locations of the proposed uses within the Property. The project would allow for densities and intensities within the parameters of the Mixed Use FLUM district

within the 126.04 developable acres, for a maximum of 350 single-family residential units and a maximum of 70,000 square feet of commercial uses. The Applicant has taken steps to preserve a majority of the wetlands on-site.

The project will provide public benefits including (i) providing family and active adult housing for Town residents, (ii) provision of 70,000 square feet of commercial space, (iii) extending the water distribution and sanitary sewer systems which will improve fire flows and safety in adjoining neighborhoods, (iv) preservation of 34.55 acres of wetlands, (v) creation of jobs for Town residents with commercial development, (vi) provision of housing where people who work at businesses located within the Property can live, (vii) provision of multi-purpose parks, open to the public, and (viii) property taxes and other revenues generated which shall pay for public services for new residents.

Through this PUD application, the Applicant is requesting for vacation, abandonment and closing of a variable, platted right-of-way, which road bisects the Property and has never been open since the May 14, 1909 recordation of the Plat of Joseph R. Dunns Fruit and Truck Farms Plat, recorded in Deed Book B-10, Page 48 of the Nassau County Public Records. The right-of-way to be vacated by the Town through this PUD is depicted on the Conceptual Site Plan as the Variable Platted Right of Way to be Abandoned.

## **II. USES AND RESTRICTIONS**

**A. Permitted Uses:** The development will be constructed in an orderly manner, and the allowable uses will include the following:

Within the Residential area and Tract "1" as depicted on the Conceptual Site Plan, all Residential Uses as defined within the Zoning and Land Development Regulations (hereafter, "LDR" or the "Code"), allowing for residential dwellings and related recreational amenities and facilities. In addition, all typical residential accessory and ancillary uses will be allowed as outlined in the LDR and provided herein. Temporary construction/sales trailers may be utilized and placed on the Property until completion of the development. Model homes may be constructed within the development. Upon approval of the construction plans for the infrastructure improvements within the PUD, the Applicant may seek and obtain building permits for the construction of up to five (5) model homes within the residential portion of the PUD. The model homes may be constructed during construction of related infrastructure and may include real estate services, sales activities, administration, and construction offices within the model homes. Associated parking for the model homes and sales offices may be located within the driveway or adjacent to the model homes.

Within the "Commercial" tract as depicted on the Conceptual Site Plan, non-residential uses may include those uses permitted as a principal use and by use by exception within the Main Street Commercial (MSC)<sup>1</sup> and Commercial General (C-1) designation of the LDR, as follows:

- Bank and financial institutions;

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<sup>1</sup> As of the date of this PUD Written Description, the Town is in the process of revising its LDR to replace its Neighborhood Commercial (C-N) designation with the MSC rezoning. In the event the Town fails to enact such change, the Applicant shall have the right to include neighborhood-type commercial uses as detailed in this text.



- Bowling Alley;
- Churches;
- Commercial recreation facilities;
- Community Center;
- Convenience stores;
- Day nurseries and kindergartens;
- Delicatessen, bake shop;
- Employment offices;
- Family day care homes;
- Gasoline sales;
- General store;
- Governmental uses;
- Hospitals;
- Hotels and motels;
- Medical and dental clinic/office;
- Museum, and art gallery;
- Outdoor fruit, vegetable, poultry or fish markets;
- Parcel delivery office;
- Printing, publishing or similar establishment;
- Professional and business office;
- Recreational vehicle parks;
- Restaurants with or without drive-through facilities;
- Restaurant with alcohol sales;
- Retail sales;
- Retail facilities for the sale of beer and wine for consumption off premises;
- Research laboratories;
- Sanitariums, nursing homes, assisted living facilities, convalescent homes, and homes for orphans and the aged;
- Schools, colleges and universities;
- Self-service laundries or dry-cleaners;
- Service establishments in an enclosed building;
- Skating rinks;
- Veterinary Clinic; and
- Vocational, trade and business schools.

**B. Uses by Special Exception:** Restaurants, sidewalk cafés, bars, liquor stores, grocery stores, pharmacies, specialty food stores and other commercial establishments within the project shall be permitted to sell alcoholic beverages for on-premises and off-premises consumption, as applicable; provided, however, the vendor of alcoholic beverages must meet the criteria set forth in Chapter 6, Article I of the Town Code.

**C. Accessory Uses:** Accessory uses and structures will be allowed as prescribed in the LDR, provided such uses and structures are of the nature customarily incidental and clearly subordinate to the permitted or principal use of a residential structure. Such standard residential accessory uses allowed within the building area of the lots, include, without limitation, decks, patios, pools, pool enclosures, storage shed, garages, workshops, and guest houses. Accessory

uses will be subject to the same setbacks as the residence. Air conditioning units and pool equipment shall not be considered structures and may be included within the setback line without violating the setback requirements. Driveways may be allowed within the front and side yard setbacks. Accessory uses such as customary home occupations, pets, and yard sales will be allowed as per the requirements for residential districts stipulated within the LDR and in accordance with any applicable neighborhood covenants and restrictions.

**D. Restriction on Uses:** As provided, the development will only include the uses described in Section II.A.-C. above.

### **III. DESIGN GUIDELINES**

#### **A. Lot Requirements:**

##### Commercial Development Standards:

- a. Setbacks: Setbacks shall be measured per the LDR and shall be as follows:
  - 1) Front Yard: 10 feet; Lots having a second frontage shall have a setback of 10 feet for the second frontage.
  - 2) Rear Yard: 5 feet
  - 3) Side Yard: 10 feet
  - 4) All structures shall have a minimum separation of 20 feet, as measured from the furthest projection on the structure to the furthest projection of any other structure.
- b. Building height: Buildings shall not exceed 35 feet in height.
- c. Maximum impervious surface ratio: 75 percent.
- d. Maximum lot coverage by buildings: 50 percent of the overall commercial Parcels (not to include parking or drainage facilities)

##### Single-Family Development Standards:

The Property will contain a maximum of 350 single-family dwelling units, subject to the final engineering.

- a. Minimum Lot Area 5,500 square feet
- b. Minimum Lot Width 50 feet at front building line  
35 feet frontage on cul-de-sac
- c. Maximum Lot Coverage All buildings including accessory buildings

- |                       |  |
|-----------------------|--|
|                       | Shall not cover more than 35% of the total lot area.   |
| d. Minimum Front Yard | 20 feet*   |
| e. Minimum Side Yard  | 5 feet, Corner Lots, 10 feet*  |
| f. Minimum Rear Yard  | 10 feet  |
|                       | *For double-frontage or through lots, the front yard shall be deemed as that part of the lot with the front of the house facing forward. For the purposes of corner lots the portion of the yard with the face of the house shall be deemed the front yard, with the second yard being deemed a side yard. |
| g. Maximum Height     | 35 feet from established grade   |

The development will be constructed in one (1), 15-year phase; provided construction of the non-residential portions of the project may be initiated when needed and feasible so long as completed within the timeframe set forth herein. Construction shall commence within five (5) years of PUD Ordinance approval. For purposes of this PUD, "commencement" shall mean securing approved construction drawings of all or of a portion of the site. "Completion" shall be defined as the installation of horizontal infrastructure and Town approval of as-builts. Upon request from the Applicant, the Town Council may extend the commencement period by an additional one (1) year for good cause.

The Conceptual Site Plan indicates the preliminary, general layout for the PUD for construction of the development. The location and size of all lots, roads, project entrances, recreation/open space and other areas shown on the Conceptual Site Plan are conceptual such that the final location of any roads, project entrances, recreation/open space and other areas will be depicted on the final development plan and the final engineering plans for the particular phase of the project.

#### **B. Ingress, Egress and Circulation:**

- a) **Parking Requirements:** Two (2) parking spaces per residential unit will be provided through a garage for each single-family unit with a driveway paved to the roadway. The PUD shall comply with applicable off-street parking and loading requirements of the LDRs. Individual commercial parcels may share parking with other facilities pursuant to shared parking agreements, provided the uses sharing the parking areas do not result in a lack of required parking.
- b) **Vehicular Access/Interconnectivity:** The Conceptual Site Plan depicts preliminary vehicular circulation system and shows all points of connection with public rights-of-way. Access to the Property will be provided via two (2) entrances, both off of U.S. 1 as depicted on the Conceptual Site Plan. The internal streets shall be

designed and constructed with a minimum 50' right-of-way, curb and gutter, potable water and sanitary sewer treatment and collection systems and maintenance thereof shall be dedicated or granted to the Town of Hilliard in accordance with the Town's standards for acceptance and dedication. The Applicant will coordinate with the Florida Department of Transportation ("FDOT") for roadway improvements to U.S. 1 as provided in subsection (c) below. The Applicant will also provide pedestrian interconnectivity with neighboring commercial areas to the north, where feasible. In addition, the Applicant has reserved an easement for utilities along Henry Smith Road which could provide future ingress and egress into the Property. In the event the Applicant provides said access to the project, the Applicant would coordinate with the Town of Hilliard and Nassau County for roadway improvements to Henry Smith Road based on the project traffic generated by the PUD at project buildout.

- c) **Traffic Improvements:** The PUD is proposing ingress and egress drives from U.S. 1 for safety and efficient traffic flow purposes in the locations depicted on the Conceptual Site Plan. The locations of the access drives from U.S. 1 will be determined by FDOT. The Applicant will provide the Town with an FDOT driveway permit for the final access drives during the construction planning process for any development within the Property. As part of the driveway permit application with FDOT, the Applicant shall be required to conduct a traffic study by a professional traffic engineer (the "Traffic Study"), which shall be submitted and subject to the review and approval of the Town and FDOT. The Traffic Study shall be comprehensive and shall evaluate the impact of the PUD through buildout and evaluate individual thresholds or phases of development in the PUD. The applicant shall be responsible for roadway improvements to U.S. 1 as identified in the Traffic Study and as required by FDOT based upon the Traffic Study. Additionally, this condition shall not preclude the applicant from seeking mobility or impact fee credits for improvements which meet applicable LDR provisions for credits. It is anticipated that FDOT will require the Applicant to undertake an Intersection Control Analysis (ICE) as part of the Traffic Study which shall determine whether a signal is warranted at the main site drive access at U.S. 1, as depicted as Entrance 1 on the Conceptual Site Plan. If warranted, the Applicant will be responsible for the cost of design, materials and installation of signalization at the intersection on a proportionate share basis, based on the project traffic generated by the PUD at project buildout.

- d) **Pedestrian Access & Streetlights:** Pedestrian circulation will be provided via sidewalks that are a minimum width of six (6) feet. Sidewalk will be located on one side of all internal rights-of-ways within the project, which locations are depicted on the Conceptual Site Plan. In addition, sidewalks will be located on one side of the entrance roadways depicted as Entrance 1 and Entrance 2 on the Conceptual Site Plan to provide pedestrian interconnectivity between the commercial and residential areas of the project. All pedestrian accessible routes shall meet the requirements of the LDR, Florida Accessibility Code for Building Construction ("FACBC") and Americans Disability Act Accessibility Guidelines ("ADAAG") established by Florida law and 28 CFR Part 36. Sidewalks abutting residential lots will be installed by builders as they construct homes. Common area sidewalks located along any parks, ponds and open space will be constructed during the roadway construction phase. Streetlights will be purchased and installed at the Applicant's expense along all streets as approved by the Town of Hilliard's Engineering Department. Electrical services and maintenance of the streetlights shall be the responsibility of the Town once the Town accepts dedication of the streets.

**C. Signs and Entry:** Greenbrier will have an entry feature and related community identification signage at the main entrances along U.S. 301. All project signage will comply with applicable provisions of the Town Signage Code. Exact sign locations will be depicted on construction plans. The Applicant shall be permitted to erect temporary on-site construction and real estate signage on the Property, in conformance with the Code. Because construction of the Project may be phased, the Applicant shall be permitted to place temporary signage within portions of the Property in which construction is underway to direct tenants, customers and other visitors to other areas of the Property that are in operation.

**D. Landscaping:** Landscaping for the Project will be designed to establish a high-quality environment that provides for visibility, safety and low maintenance. The landscape will be designed to enhance the site and to coordinate with the proposed architecture. The design of the landscaping shall provide a pleasant appearance from the adjacent roadways, and special emphasis will be placed on screening service areas and parking fields from internal roadways. Landscaping will be consistent with typical plantings found in Nassau County.

A landscaped entrance will be constructed at all entrances to the development. The landscaped entrancing will be designed to be aesthetically compatible with each other so as to result in a uniform aesthetically pleasing appearance. Compatibility of design shall be achieved by the repetition of certain plant varieties and other landscape materials.

*Commercial Requirements:* Within the Commercial Tract of Greenbrier (as depicted on the Conceptual Site Plan), the parking areas will be landscaped at a minimum of five (5) percent of vehicle use area, utilizing parking islands and greenspace interspersed throughout the parking fields. Terminal islands will be a minimum of 12 feet in width and internal islands being a

minimum of eight (8) feet wide and containing at least one (1) tree. Spacing of internal islands may be a maximum of 130 feet or 14 spaces. Continuous landscaping will be provided along the perimeter of the Commercial Tract to provide screening of parking and service areas. Trees will be a mixture of canopy and non-canopy trees intermingled throughout the Commercial Tract, with a minimum of 70 percent of proposed trees being canopy trees. A minimum of 30 percent non-canopy trees will be utilized where appropriate to accommodate views and lighting.

*Residential Requirements:* Within the residential areas, trees will be provided on each single-family lot by the builder(s) as they construct the homes. Trees will be planted within the front yard of each single-family unit, outside the right-of-way and any utility easements, at a minimum 2-inch caliper and spaced appropriately to avoid any conflicts with the homesite and utilities.

In order to emphasize water conservation, plantings will be selected from the St. Johns River Water Management District's Florida Waterwise plant database as appropriate to the local climate. Landscaping shall be in conformance with all LDR provisions.

**E. Recreation and Open Space:** The design of the PUD incorporates common open space, as well as varied active and passive recreation opportunities, meeting and exceeding the standards of the LDR. Open space and common areas will exceed the 20% open space requirement of LDR Section 62-316(b). The Conceptual Site Plan provides approximately 39% of open space which is comprised of preserved onsite wetlands, the upland buffer, pond area, and recreation areas. The Applicant intends to dedicate all recreation areas to the homeowners' association for active and passive recreation uses. Active recreation uses may include, at the developer's and/or homeowners' association's sole discretion, a playground, dog park, open sports field area, walking trails, community garden, and similar uses.

**F. Utilities:**

- a) **Potable Water/Sanitary Sewer:** Existing water lines are located within Henry Smith Road and U.S. 301 rights-of-way. These mains will be looped throughout the subdivision to reinforce the Town system. Waste water shall consist of an internal master pump station complete with a standby emergency generator. There will be a sanitary force main installed that will convey wastewater directly to the Town treatment facility located at 37261 Rugby Drive. This work will be installed by the Applicant and no public funds shall be needed for the provision of new infrastructure. The aforesaid infrastructure improvements will also greatly enhance the Town's ability to serve areas located within the southside of the Town boundaries.
- b) **Electrical Utilities:** All electrical and telephone lines will be installed underground on the site. Electrical power will be provided by Okefenokee Rural Electric Membership.



- c) **Fire Protection:** The Applicant will install fire hydrants in accordance with the LDR.
- d) **Solid Waste:** Solid waste will be handled by the licensed franchisee in the area.

**G. Wetlands/Environmental:** The Property contains approximately 35.21 acres of jurisdictional wetlands as depicted on the Conceptual Site Plan, of which approximately 34.55 acres will be retained to preserve and enhance the natural attributes of the Property. An estimated 0.66 acres of wetlands will be impacted to provide connection between the eastern and western portion of the site. Such required impacts will be in accordance with the St. Johns River Water Management District ("SJRWMD") and FDEP requirements. Appropriate buffers will be provided as required by the LDR and SJRWMD requirements.

There are no Significant Natural Communities Habitat on the proposed site and no listed species were observed at this time. As there may be a potential for gopher tortoise habitat in the future, any gopher tortoise burrows which may become active prior to construction, will be relocated in accordance with Florida Fish and Wildlife Conservation Commission ("FWC") requirements.

**H. Stormwater:** Stormwater will be handled on site within retention areas, with conveyance via the roadways and/or piping within appropriate easements. The drainage structures and facilities will be designed and constructed in compliance with the LDR in effect at the time of permitting, subject to SJRWMD standards. The stormwater treatment facility will be maintained by a property owners' association.

**I. Homeowners' Association Restrictions:** The Applicant shall establish a not-for-profit homeowners' association for the residential portion of the PUD prior to the sale of any lots. Membership shall be mandatory for all residential property owners. The homeowners' association shall own and be responsible to manage and maintain all residential common areas, open spaces, recreational areas, and enforce the covenants and restrictions of the community to be recorded in the Public Records of Nassau County, Florida. The covenants and restrictions shall notify all property owners that they are living in a Planned Unit Development, and shall run with the land in order to protect both present and future property owners within the development.

#### IV. ADDITIONAL CONDITIONS

1. In coordination with the Nassau County School District, the Town of Hilliard, and Nassau County, the Applicant may install a school bus stop, if appropriate, within or adjacent to the PUD, and shall install a minimum of one (1) covered bench to provide a safe waiting area for school children. The Applicant shall coordinate with the Nassau County School District on the location of the school bus stop and waiting area during the preliminary platting process.

2. Silvicultural practices may continue in areas of the Property where constructed has not commenced (except in upland buffers or preserved wetland areas) and so long as no requirements set forth herein or on the Conceptual Site Plan are compromised. Silvicultural operations would be subject to any applicable provisions of the Code.

3. A natural landscaped buffer a minimum of ten (10)-foot-wide shall be located along Henry Smith Road at the perimeter of the Property, as depicted as 10' Landscape Buffer & Non-Access Easement on the Conceptual Site Plan. No fencing will be allowed within the buffer.

4. The 30' Access Easement depicted on the Conceptual Site Plan on the west side of the Property boundary is a private driveway known as Pudgys Place, which provides the adjacent property owner with access to and from Henry Smith Road. The 30' Access Easement/Pudgys Place shall not be interconnected with the adjacent recreation area and will not provide any ingress and egress into the Property from Henry Smith Road.

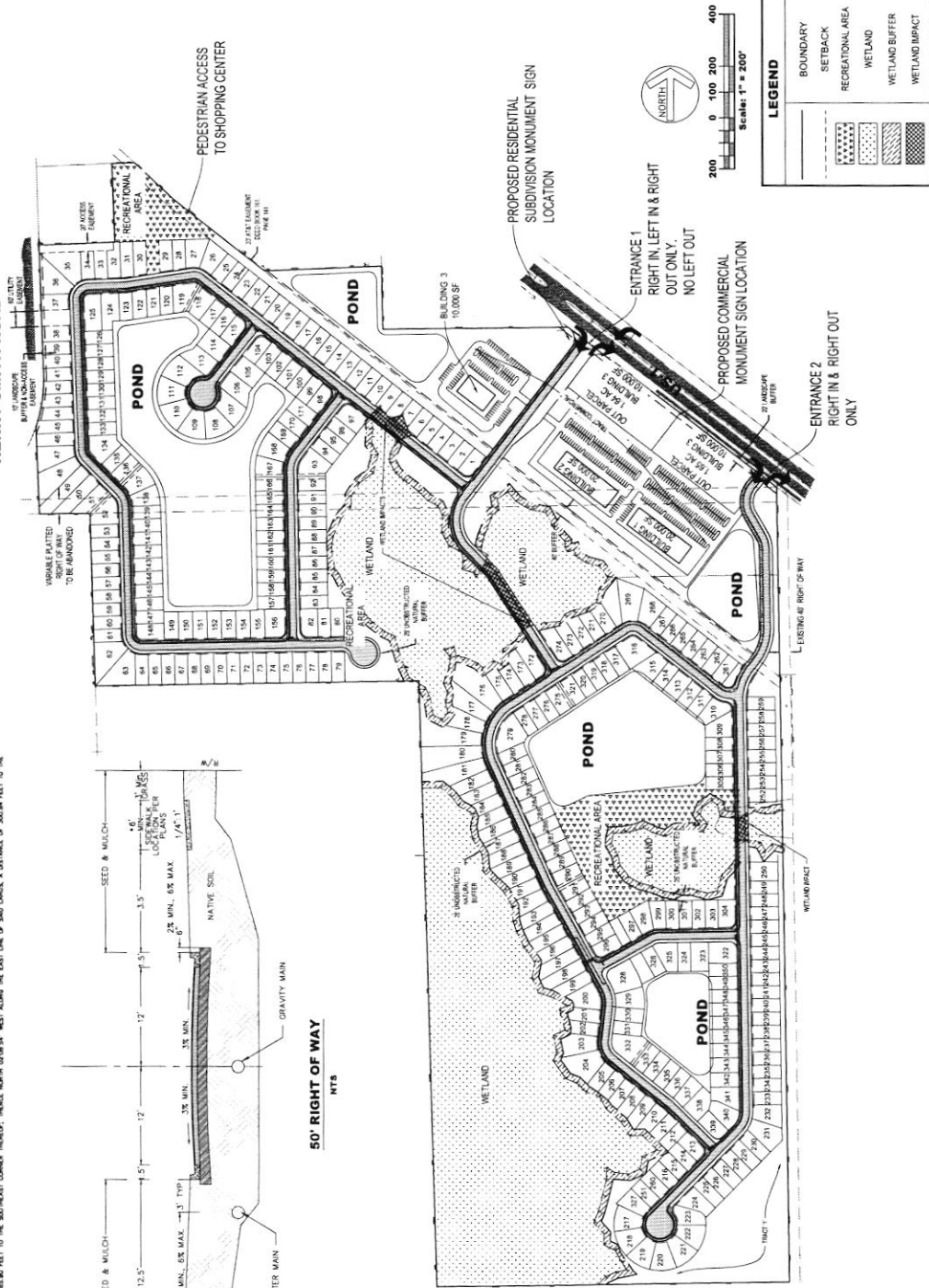


**ATTACHMENT “C”  
SITE DEVELOPMENT PLAN**

## DATA SUMMARY

TOTAL SITE FAMILY UNITS	700.00 ac	
TOTAL BUILDING SQUARE FOOTAGE	337,760	
TOTAL TRACT AREA	25.19 ac	
TOTAL COMMERCIAL TRACT AREA	181.23 ac	
TOTAL SITE AREA	126.04	
UPLAND AREA (BEFORE IMPACTS)	38.21 ac	
TOTAL WETLAND AREA	34.65 ac	
WETLANDS TO REMAIN	19.74 ac (12%)	
POND AREA	5.58 ac	
RECREATION AREA	16.66 ac	
RIGHT OF WAY AREA	1.73 ac	
TOTAL WETLANDS TO REMAIN	208,704 sq ft (4.73 ac)	
TOTAL WETLANDS SUPPLEMENT PROVIDED	34,628 sq ft (0.79 ac)	
Overall Score:	34,628 ÷ 48 (4.76 ÷ 19.74) = 642 ac (4009%)	

## HENRY SMITH ROAD



SURVIVOR'S DESCRIPTION)

A PART OF SECTION 15 AND 22, TOWNSHIP 3 NORTH, RANGE 24 EAST, ALSO BEING A PART OF LOTS 19 THROUGH 33 AND LOT 41 AND 42, OF THE PLAT OF JOSEPH R. DUNN'S FRUIT AND TRUCK FARMS, DTD BOOK 8-10, PAGE 408, OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

[illegible]