

**Nassau County Conditional Use and Variance Board
January 28, 2021, 6:30 P.M.
Commission Chambers, 96135 Nassau Place, Yulee, FL**

Call to Order, Invocation and Pledge of Allegiance to the American Flag

Board Members:

Present: Orlando Avila, Kathleen Zetterower, Shane Weddle, John C. Van Delinder, Clay Hartley, and Cathy DeCou, and Lance Fout.

Staff Present: Representing the Planning Department: Andrew Prokopiak, Planner I. Representing the Clerk's office Melissa Lucey and Heather Nazworth, Deputy Clerks.

Official Agenda Summary:

Noted: As former Chair Mike Hagel is no longer serving on the Conditional Use and Variance Board, Vice Chair Fout assumed the duties of Chair and called the meeting to order at 6:30 p.m.

BOARD BUSINESS:

210128CUV - 6:31:37 (Tab A) Approval of minutes from the December 17, 2020 regular meeting as presented.

Motion: Approve Tab A as stated above.
Maker: Board Member Avila
Second: Board Member VanDelinder
Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

210128CUV - 6:31:48 (Tab B) Election of Chair for the Conditional Use and Variance Board for 2021.

Motion: Approve nomination of Board Member John VanDelinder as the Chair for 2021 effective this meeting.
Maker: Board Member Hartley
Second: Board Member Avila
Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

Noted: Chair VanDelinder assumed the duties of chair.

QUASI-JUDICIAL PUBLIC HEARINGS

210128CUV - 6:32:05 Chair VanDelinder advised that Tabs C and D would be heard under Quasi-Judicial hearing procedures and read the Quasi-Judicial Hearing procedures for Tab C, application CU2020-034, filed by Artic Air of Northern Florida, owner; and Tab D, application CU2021-002, filed by D&J Motorsports Promotions, Inc., owner.

Ex-parte Communications

210128CUV - 6:40:33 All the Board members stated that they had no ex-parte disclosures or email communication for Tabs B and C.

210128CUV - 6:41:36 (Tab C) Consider application CU2020-034, a request for a conditional use permit pursuant to Land Development Code (LDC) Section 16.03(B) to allow for an auto service station and repair garage in the Commercial General (CG) zoning district. Application is filed by Arctic Air of Northern Florida and Jason Lathrop, owner/applicant. The location of the property is 451573 State Road 200 in Callahan, Florida.

Documents submitted into the record: Staff Report - 7 pages; Application - 16 pages; Aerial Map - 1 page; FLUM Map - 1 page; Zoning Map - 1 page; and, Applicant's questionnaire - 3 pages.

Motion: Accept documents into the record as presented.
Maker: Board Member Avila
Second: Board Member Zetterower
Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

Deputy Clerk swore in Mr. Prokopiak to provide testimony.

Motion: Open the floor to public discussion.
Maker: Board Member Zetterower
Second: Board Member Avila
Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

Discussion: Mr. Prokopiak came forward to provide staff's presentation. The subject property Future Land Use Map (FLUM) is Commercial (COM) and the zoning district is Commercial General (CG). He provided the background information noting that the property was originally

developed as a service station/garage between 1965 and 1972. The approval of the application would bring the property into compliance with the Land Development Code (LDC). He reviewed the staff recommendation and advised that the request is consistent with Section 5.04, Conditional Use Review Criteria A and C-K, Section 37.06, Buffering requirements, and Article 16, Section 16.03(B) of the LDC. Mr. Prokopiak stated that staff recommends approval subject to the following three (3) conditions:

1. The rights entitled shall run with the land.
2. Maintain property buffering between any differing property uses per Section 37.06 of the LDC.
3. That the property owner maintains one-hundred and fifty feet (150') of the drainage easement to the west of the property beginning from the southern property line due to the increased runoff from washing the recreational vehicles.

Public Input:

- Leon Busbee came forward and was sworn in. He expressed concerns of the looks of the property and if there will be any effects on his property value. Mr. Prokopiak responded that there will be required buffers.
- Nancy Roszell came forward and was sworn in. She is an adjacent property owner and expressed her concerns with the water flow from the RV area and requested a buffer.

Rebuttal: Jason Lathrop, came forward and was sworn in. He stated that the drainage on the property goes to a 4-foot ditch which runs through to the Rocking Horse development and he will maintain the ditch.

Motion: Close the floor to public discussion.

Maker: Board Member Zetterower

Second: Board Member Avila

Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

The group further discussed the buffer, drainage, and the amount of overflow parking of the RV's.

Motion: Approve, based upon competent substantial evidence in the record, Tab C as stated above to include the three (3) conditions as presented by staff and the additional two (2) conditions as: add a 10-foot landscape buffer placed between Artic Air/Roszell property and permit overflow parking not to encroach on minimum 25-foot High Density buffer.

Maker: Board Member Avila

Second: Board Member Hartley

Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

210128CUV - 7:08:24 (Tab D) Consider application CU2020-034, a request for a conditional use permit pursuant to Land Development Code (LDC) Section 22.03(D) to allow for a racetrack in the Open Rural (OR) zoning district. Application is filed by D&J Motorsports Promotions, Inc. and Lisa and David Hicken, owner/applicant. The location of the property is 543455 US Hwy 1 in Callahan, Florida.

Motion: Open the floor to public discussion.

Maker: Board Member Zetterower

Second: Board Member Avila

Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

Documents submitted into the record: Staff Report - 8 pages; Application - 17 pages; Exhibit A - 6 pages; Aerial Map - 1 page; FLUM Map - 1 page; and, Zoning Map - 1 page.

Motion: Accept documents into the record as presented.

Maker: Board Member Avila

Second: Board Member Zetterower

Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

Discussion: Mr. Prokopiak came forward to provide staff presentation. The subject property FLUM is Agricultural (AGR) and zoning district is Open Rural (OR). He stated that the applicant requests to expand the existing conditional uses to include 1/8 mile, two-lane drag strip. The request will be a supplemental to two previous conditional use approved applications E12-006 (allow for racetrack) and CU2019-06 (addition of flat-track motorcycle racing). He reviewed the proposed site plan for the

application. Mr. Prokopiak stated that staff finds the request consistent with Section 5.04, Conditional Use Review Criteria A-K and the requirements of Article 28, Section 28.14(J) of the LDC. He advised that staff recommends approval with the following conditions:

1. The rights entitled shall run with the applicant.
2. Existing noise barriers shall remain.

Existing conditions to continue are as following:

1. Continued use of the radio speaker option for all races.
2. Continued use of noise abating mufflers on all racing vehicles.
3. Flat track racing is limited to operating Thursday thru Sunday, for the hours of 10:00 a.m. to 10:00 p.m.

Motion: Open the floor to public discussion.

Maker: Board Member Avila

Second: Board Member Zetterower

Public Input:

- Shelia Hutson came forward and was sworn in. She had questions regarding the buffers, hours of operation, and the start and finish location. Mr. Prokopiak responded that the previous conditional uses stated that there should be buffering. The applicant plans to use concrete barricades and dirt mounds to assist further with the sound barriers and buffering.
- James Murdock and Mary Murdock came forward and were sworn in to express their concerns regarding high noise levels, hours of operation, location of the drag strip, buffers at the end of strip, and starting position. Mr. Prokopiak suggested buffering along the southern portion of property and a speed limit on the return road.
- Kenny "K.A." Farmer, John Bennett, Jeff Wells, Michael Williams, and Kenneth Horne came forward and were sworn in to express their support of the drag strip and how the business helps support the County.

Rebuttal: Mr. Hicken responded that the drag strip will run north to south with the starting line having containers to buffer the noise and the return road will have a return

road speed limit. He provided the location and reiterated that there will be sound barriers.

Motion: Close the floor to public discussion.
Maker: Board Member Zetterower
Second: Board Member Avila
Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

Discussion: The group further discussed the time of the events, lighting, location of the car tune-up area, and limitations on the end time.

Motion: Approve, based upon competent substantial evidence in the record, Tab C as stated above to include the two (2) conditions as presented by staff and the additional two (2) conditions of: (1) Southern sound buffer and (2) shielded downcast lightning.
Maker: Board Member Avila
Second: Board Member Zetterower
Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

Discussion: The Board had further discussion regarding the sound decibels levels.

Motion: Amend the previous motion to include the additional condition of there being no increase to the sound decibels.
Maker: Board Member Avila
Second: Board Member Zetterower
Action: Aye: Board Members Avila, Zetterower, Weddle, Fout, Van Delinder, Hartley, and DeCou

INFORMATIONAL ITEMS: Next meeting date is February 25, 2021 at 6:30 p.m.

There being no further business, the regular session of the Conditional Use and Variance Board adjourned at 8:03 p.m.

Chairman John VanDelinder

Attest:
