



APPLICATION FOR CONDITIONAL USE PERMIT

APPLICATION

OWNER/APPLICANT:	Smithfield Plantation, Inc. (OWNER)			
AGENT:	Gillette & Associates, Inc. (AGENT)			
REQUESTED ACTION:	Conditional use permit to allow for a rifle, shotgun, or pistol shooting range and a general store in the Open Rural (OR) zoning district.			
Location:	553133 US HWY 1			
Land Use:	Commercial			
Zoning:	Open Rural (OR)			
Existing Uses on Site:	Undeveloped			
Property Size + Parcel ID:	5.78 acres / 31-4N-24-2020-0062-0030			
ADJACENT PROPERTIES:	<u>Direction</u>	<u>Existing Use(s)</u>	<u>Zoning</u>	<u>FLUM</u>
	North	Undeveloped	OR	Commercial
	South	Undeveloped	OR	Commercial
	East	Manufactured Home	OR	Commercial
	West	Undeveloped	OR	Agricultural/ Commercial
COMMISSION DISTRICT:				

*** All required application materials have been received. All fees have been paid. All required notices have been made. All copies of required materials are part of the official record and have been made available on the County's website and at the Planning + Economic Opportunity Department Office. ***

SUMMARY OF REQUEST AND BACKGROUND INFORMATION

The subject property is located on the west side of US Highway 1, approximately 2 ½ miles north of the Town of Hilliard. The vicinity includes scattered residential, timberland and non-residential uses including a church and an auto repair facility.

The conditional use permit would allow a shooting range and general store in the Open Rural (OR) zoning district pursuant to Section 22.03(F), and 22.03(J) of the Nassau County Land Development Code (LDC)

The OR district is intended to apply to areas which are sparsely developed and include uses normally found in rural areas.

The Future Land Use Map (FLUM) designation of the parcel is Commercial (COM). The COM FLUM is intended for activities associated with the sale, rental, and distribution of products or the performance of services. Development within the COM FLUM has a maximum floor area ratio (FAR) of 40% and an impervious surface ratio (ISR) of 67%.



SUMMARY OF REQUEST AND BACKGROUND INFORMATION cont'd

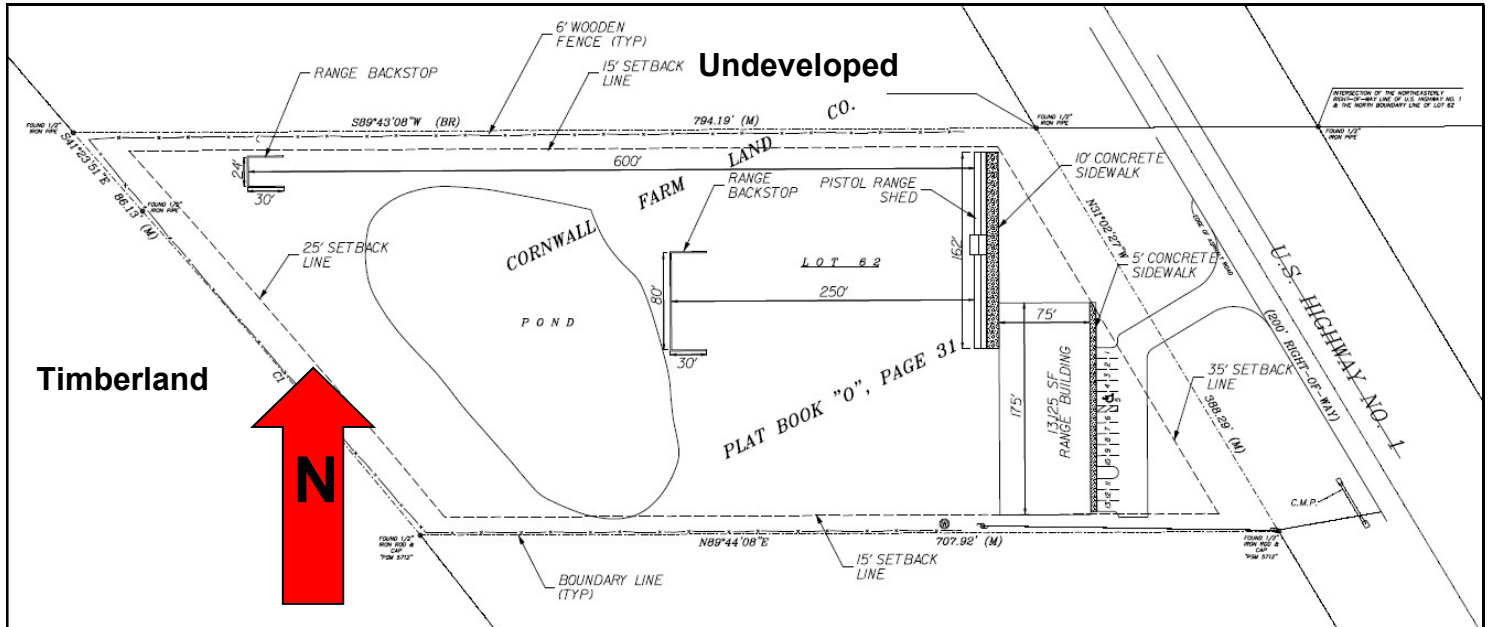
The applicant is requesting to develop an air rifle/pistol range and general store to support the range and to conduct minor repair work. No firearms will be utilized for this conditional use request, air-rifles and pistols will be the only type of guns authorized.

While air guns are generally quieter than firearms, they still produce noise in the range of 74-90 dB, 90 dB is similar to the sound of a lawnmower, bulldozer, or jazz concert.

The hours of operation for this proposed project were not submitted as part of this application.



Site Plan / Survey

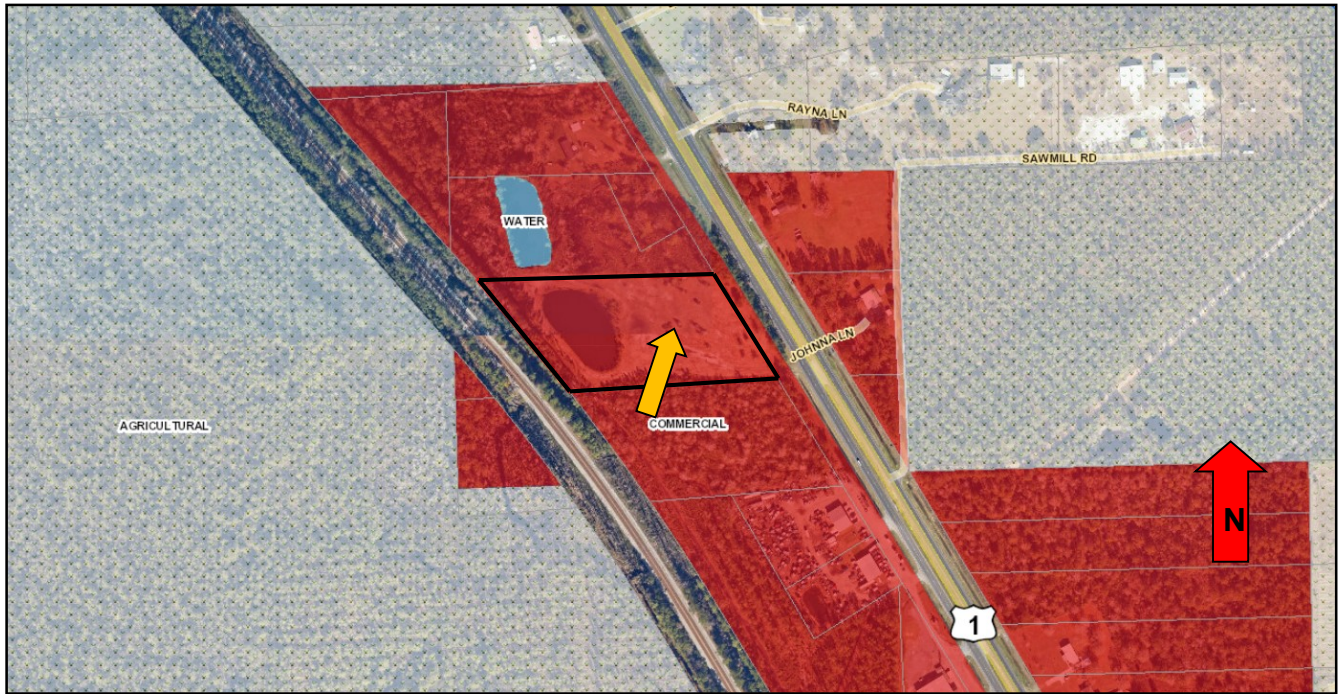


Zoning Map





Future Land Use Map





CONSISTENCY WITH LDC SECTION 5.04: CONDITIONAL USE REVIEW CRITERIA

1. When considering conditional use requests, the Conditional Use and Variance Board shall make a written finding that the conditional use generally meets the following criteria. In addition, when a conditional use has been approved with conditions, the Conditional Use and Variance Board may, as it deems necessary for the protection of public health, safety and general welfare, impose certain conditions, limitations, or restrictions on the use requested and its premises.

- (A) The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare and is not contrary to established standards, regulations, or ordinances of other governmental agencies.**

STAFF RESPONSE: Firing lanes will be directed west of US 1 and away from any residential uses. There will be backstops and fencing to ensure safety from errant projectiles. Staff proposes a Type H buffer, based on LDC Table 37-5, Minimum Buffers by Type. Type H buffers are required for commercial uses, which this is, when they are adjacent to existing or potential single-family uses. This is a 25-foot wide buffer with 3 canopy trees and 67 shrubs planted per 100 linear feet. Plantings shall be interspersed throughout the buffer with varying species, heights, and separation in order to more effectively baffle noise.

- (B) Each structure or improvement will be in accordance with Ordinance 2000-26 and will be so designed and constructed that it is not unsightly, undesirable, or obnoxious in appearance to the extent that it will hinder the orderly and harmonious development of Nassau County and the zoning district in which it is proposed.**

STAFF RESPONSE: All site improvements will be in compliance with the Nassau County LDC and the Florida Building Code. Staff does not expect the noise to impact the surrounding area. Air powered rifles and pistols can generate noise between 74-90 dB which, as was noted before is similar to a lawnmower. Traffic on US 1 has the potential to generate similar levels of noise depending on the number of vehicles. A Type H landscape screening buffer will provide for visual screening and for noise baffling.

- (C) The conditional use will not adversely impact the permitted uses in the zoning district nor unduly restrict the enjoyment of other property in the immediate vicinity nor substantially diminish or impair the values within the area.**

STAFF RESPONSE: Noise impacts can be reduced to residential uses by having the firing lanes directed in the opposite direction of the existing residential uses and screening with fencing on 3 sides of the property. However, it is not clear if the proposed use will not adversely affect the surrounding neighbors.

- (D) The establishment of the conditional use will not impede the orderly development and improvement of the surrounding property for uses permitted in the zoning district.**



STAFF RESPONSE: It is likely that the surrounding property will be impacted by the shooting ranges in terms of noise and traffic. It is difficult to determine if the impacts will be on the order of magnitude that would impede nearby development and enjoyment of the property

(E) Adequate water supply and sewage disposal facilities will be provided in accordance with state and county health requirements.

STAFF RESPONSE: The applicant will install a new septic system and well for use with the development of the property. All requirements of the Florida Department of Health will be met.

(F) Adequate access roads, on-site parking, on-site loading and unloading berths, and drainage have been or will be provided where required.

STAFF RESPONSE: Access is provided by US 1, a four-lane paved and improved State road. Parking and drainage will be addressed by the Development Review Committee in accordance with the LDC. A Type H buffer, as described in the response to Criterion (A) is recommended as required between commercial uses and single-family uses/zoning.

(G) Adequate measures have been taken to provide ingress and egress to the property which is designed in a manner to minimize traffic congestion on local streets.

STAFF RESPONSE: Ingress and egress for this site will be from US 1. Access will require a driveway permit approval from FDOT.

(H) Adequate screening and buffering of the conditional use will be provided, if needed.

STAFF RESPONSE: Per section 37.06 of the LDC, no landscape screening is required. A six-foot tall opaque wood fence is proposed on the north, south, and west property lines to screen any future adjacent uses and provide additional safety from potential projectiles.

(I) The conditional use will not require signs or exterior lighting which will cause glare, adversely impact area traffic safety or have a negative economic effect on the area. Any signs or exterior lighting required by conditional use shall be compatible with development in the zoning district.

STAFF RESPONSE: All signage related to the proposed conditional use will comply with the sign codes and ordinances for the OR zoning district. Any future lighting will be shielded and downcast to minimize light trespass.

(J) The conditional use will conform to all applicable regulations of the zoning district in which it is proposed.

STAFF RESPONSE: LDC Section 22.03(F) permits the use of a rifle, shotgun, or pistol range in the OR zoning district as a conditional use. LDC Section 22.03(J) permits a general store in the OR zoning district as a conditional use as well. The use will meet all requirements of the OR zoning district.



(K) The conditional use will conform to all applicable regulations listed in the adopted comprehensive plan.

STAFF RESPONSE: The subject property is designated as COM on the FLUM. Per Future Land Use Policy 1.02 (C), the COM land designation is intended for activities that are predominately associated with the sale, rental, and distribution of products or the performance of services. The maximum floor area ratio (FAR) for this land use is 40%. Based on the submitted site-plan, that FAR is approximately 5%. COM land use also has a 67% maximum impervious surface ratio. The ISR for the proposed conditional use is less than 10%.

CONCLUSION

Staff finds the requested action to be consistent with Section 5.04 of the LDC, if the recommended buffer standards are adopted. If they are not, the request would not meet Criteria (A), (B), (C), (D), and (H).:

Conditional Use Criteria	Determination of Consistency
LDC 5.04 (A)	✓
LDC 5.04 (B)	✓
LDC 5.04 (C)	X
LDC 5.04 (D)	✓
LDC 5.04 (E)	✓
LDC 5.04 (F)	✓
LDC 5.04 (G)	✓
LDC 5.04 (H)	✓
LDC 5.04 (I)	✓
LDC 5.04 (J)	✓
LDC 5.04 (K)	✓

This application is also consistent with the requirements of Article 22, Section 22.03(F) & 22.03(J) of the Land Development Code.

Staff recommends approval subject to the following conditions:

1. The rights entitled shall run with the land and shall be transferable.
2. The order shall be rendered void if the Applicant fails to obtain approval for site engineering from the Development Review Committee or Building Permit for the proposed new dwelling unit within 24 months of the execution of this order.
3. All lighting shall be downcast and shielded to prevent light trespass.
4. All signage will be in compliance with Nassau County Codes and Ordinances and shall be downcast and shielded to reduce glare.
5. Install a type H buffer, based on LDC Table 37-5, Minimum Buffers by Type. Type H buffers are required for commercial uses, which is this is, when they are adjacent to existing or potential single-family uses. This is a 25-foot wide buffer with 3 canopy trees and 67 shrubs planted per 100 linear feet. Plantings



shall be interspersed throughout the buffer with varying species, heights, and separation in order to more effectively baffle noise.

6. Hours of operation not to go past 10:00 P.M.
 7. Site development shall comply with the submitted site plan.
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