

**CONDITIONAL USE AND VARIANCE BOARD
NASSAU COUNTY, FLORIDA**

Smithfield Plantation Inc., Owner

Application CU2021-003

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FINDINGS OF FACT, CONCLUSIONS OF REVIEW AND ORDER ESTABLISHING CONDITIONAL USE APPROVAL

THIS REQUEST came before the Conditional Use and Variance Board for a public hearing on **February 25, 2021** at which time the Board heard testimony given under oath, received evidence, and rendered a decision based upon the review criteria as established in the Land Development Code, and Order as follows:

WHEREAS, Smithfield Plantation Inc., as owner, of the real property described in this Order has applied to the Conditional Use and Variance Board of Nassau County for a conditional use permit pursuant to 22.03(F) & 22.03(J) of the Nassau County Land Development Code to allow for a rifle, shotgun, or pistol shooting range and general store in the Open Rural (OR) zoning district. This request is being made pursuant to Sec. 5.04 of the Nassau County Land Development Code.

Property Location: 553133 US Hwy 1, Callahan, FL 32011

[PIN: 31-4N-24-2020-0062-0030].

WHEREAS, the technical staff of the Department of Planning and Economic Opportunity has reviewed the application and has issued a report; and

WHEREAS, Based upon competent and substantial evidence in the record and testimony received at the Public Hearing conducted February 25, 2021 Conditional Use and Variance Board finds the conditional use permit requested is consistent with the review criteria of Section 5.04 of the Land Development Code.

Now, therefore,

BE IT ORDERED BY THE CONDITIONAL USE AND VARIANCE BOARD THAT

SECTION 1. Conditional Use Granted: The Applicant of the real property described in Section 2 of this Order is granted approval pursuant to Section 22.03(F) & 22.03(J) of the Nassau County Land Development Code. This approval includes the following:

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 project within 24 months of the execution of this order;
3. All lighting shall be downcast and shielded to restrict light trespass;
4. All signage will be in compliance with Nassau County Code and Ordinances;
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 this is, when they are adjacent to existing or potential single-family uses. This will be 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.; and
7. Site development shall comply with the submitted site plan



SECTION 2. Owner and Description. The land to which the Conditional Use is granted by this Order is owned by Smithfield Plantation Inc., The subject property is legally described as follows:

A PART OF LOT 62, CORNWALL FARM LAND COMPANY'S SUBDIVISION, SECTION 31, TOWNSHIP 4 NORTH, RANGE 24 EAST, AS RECORDED IN PLAT BOOK "0", PAGE 31 OF THE PUBLIC RECORDS OF NASSAU COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A POINT THAT INTERSECTS WITH THE NORTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1 (A 200 FOOT RIGHT OF WAY) AND THE NORTH BOUNDARY LINE OF SAID LOT 62; THENCE S 89°43'08" W ALONG THE AFOREMENTIONED NORTH BOUNDARY LINE A DISTANCE OF 232.86 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID U.S. HIGHWAY NO. 1 ALSO BEING THE POINT OF BEGINNING; THENCE CONTINUE S 89°43'08" W ALONG AFOREMENTIONED NORTH BOUNDARY LINE A DISTANCE OF 794.00 FEET TO THE NORTHEASTERLY RIGHT OF WAY LINE OF ATLANTIC COAST LINE RAILROAD (A 200 FOOT RIGHT OF WAY); THENCE S 41°22'37" E ALONG AFOREMENTIONED NORTHEASTERLY RIGHT OF WAY LINE A DISTANCE OF 86.35 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 9374.08 FEET; THENCE SOUTHEASTERLY ALONG AND AROUND THE ARC OF SAID CURVE A ARC DISTANCE OF 352.25 FEET SAID ARC BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF S 40°35'34" E, 352.23 FEET TO THE SOUTH BOUNDARY LINE OF SAID LOT 62; THENCE N 89°45'14" E ALONG AFOREMENTIONED SOUTH BOUNDARY LINE A DISTANCE OF 707.87 FEET TO THE AFOREMENTIONED SOUTHEASTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO. 1; THENCE N 31°05'15" W ALONG AFOREMENTIONED SOUTHEASTERLY RIGHT OF WAY LINE A DISTANCE OF 388.02 FEET TO THE POINT OF BEGINNING, CONTAINING ACRES 5.74 MORE OR LESS.

This Application was duly advertised via:

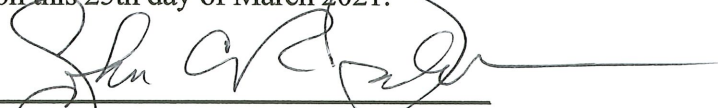
Legal Ad Running (Nassau County Record) 02/10/2021 and 02/17/2021

Posting of the Property on 2/10/2021

Posted in Public Notice Boxes on 2/19/2021

Posted on the Nassau County Official Website 02/19/2021

SECTION 3. Effective Date. This Order shall become effective on the 25th day of March 2021. Done on this 25th day of March 2021.



John C. Van Delinder, CHAIRMAN
Nassau County, FL Conditional Use & Variance Board

ATTEST:



Andrew Prokopiak, Planner I, Department of Planning and Economic Opportunity
Nassau County, FL Board of County Commissioners

RIGHT TO APPEAL

PLEASE BE ADVISED THAT AN AGGRIEVED PARTY HAS THE RIGHT TO APPEAL THIS ORDER TO THE NASSAU COUNTY BOARD OF COUNTY COMMISSIONERS, SAID NOTICE OF APPEAL SHALL BE FILED WITHIN (30) DAYS OF THE DATE THE ACTION BEING APPEALED WAS RENDERED.