

# CONDITIONAL USE AND VARIANCE BOARD NASSAU COUNTY, FLORIDA

**D&J Motorsports Promotions Inc., Owner**

# Application CU2021-002

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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 **January 28, 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, D&J Motorsports Promotions, 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(D) of the Nassau County Land Development Code to allow for a 2-lane dragstrip 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: 543455 US Hwy 1, Callahan, FL 32011

[PIN: 17-2N-25-0000-0005-0010].

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 January 28, 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(D) of the Nassau County Land Development Code. This approval includes the following:

1. The rights entitled shall run with the applicant and shall not be transferable;
2. existing noise barriers shall remain;
3. the addition of a sound barrier/buffer on the southern edge of the property;
4. lighting will be shielded and downcast to prevent light trespass.;
5. there will be no increase in decibel levels established in prior conditional use approvals; and

Existing conditions to continue:

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



***SECTION 2. Owner and Description.*** The land to which the Conditional Use is granted by this Order is owned by D&J Motorsports Promotions, Inc., The subject property is legally described as follows:



A PORTION OF SECTION 17, TOWNSHIP 2 NORTH, RANGE 25 EAST, NASSAU COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID SECTION 17; THENCE NORTH 88 DEGREES 10 MINUTES 03 SECONDS EAST ALONG THE NORTH LINE OF SAID SECTION 17, 533.72 FEET TO THE WESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY NO.1 (A 150.00 FOOT RIGHT OF WAY); THENCE SOUTH 23 DEGREES 05 MINUTES 46 SECONDS EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, 1010.22 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 23 DEGREES 05 MINUTES 46 SECONDS EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, 1194.23 FEET TO A POINT OF CURVE TO THE RIGHT HAVING A RADIUS OF 1860.08 FEET; THENCE ALONG AND AROUND SAID CURVE TO THE RIGHT AND SAID WESTERLY RIGHT OF WAY LINE AN ARC DISTANCE OF 1250.01 FEET TO A POINT OF TANGENT SAID CURVE BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 03 DEGREES 50 MINUTES 39 SECONDS EAST, 1226.62 FEET; THENCE SOUTH 15 DEGREES 24 MINUTES 44 SECONDS WEST, CONTINUING ALONG SAID WESTERLY RIGHT OF WAY LINE, 295.00 FEET MORE OR LESS TO ITS INTERSECTION WITH A BRANCH; THENCE NORTHWESTERLY ALONG THE CENTER LINE AND THE MEANDERINGS OF SAID BRANCH, 1004.00 FEET MORE OR LESS TO ITS INTERSECTION WITH THE CENTERLINE OF BIG MILLS CREEK; THENCE NORTHWESTERLY ALONG THE CENTERLINE AND THE MEANDERINGS OF SAID BIG MILLS CREEK 2150.00 FEET MORE OR LESS TO ITS INTERSECTION WITH THE WESTERLY BOUNDARY OF SECTION 17; THENCE NORTH 01 DEGREES 01 MINUTES 55 SECONDS WEST, ALONG THE WESTERLY BOUNDARY OF SAID SECTION 17, 773.00 FEET MORE OR LESS; THENCE NORTH 53 DEGREES 47 MINUTES 14 SECONDS EAST, 1117.23 FEET TO THE POINT OF BEGINNING.

This Application was duly advertised via:

Legal Ad Running (Nassau County Record) 01/6/2021 and 01/13/2021

Posting of the Property on 1/6/2021

Posted in Public Notice Boxes on 1/22/2021

Posted on the Nassau County Official Website 01/22/2021

**SECTION 3. Effective Date.** This Order shall become effective on the 25<sup>th</sup> day of February 2021. Done on this 25th day of February 2021.



Lance Fout, VICE-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.