



# **Alachua County – Growth Management Staff Report**

## **Application CPA-01-19**

### **Application Details**

#### **Staff Contact**

Mehdi J. Benkhatar

#### **Staff Phone Number**

352-374-5249 ext. 2361

#### **Local Planning Agency Hearing Date**

March 20, 2019

#### **Board of County Commissioners Hearing Date**

August 27, 2019

#### **Project Timeline**

- Submitted: January 28, 2019
- Staff Report Distributed: March 13, 2019
- Planning Commission Hearing: March 20, 2019

#### **Requested Action**

A request to amend the future land use designation from Rural/Agriculture to Rural Commercial-Agriculture. This application is related to ZOM-01-19, a request to rezone from “A” (Agriculture) to “BR” (Retail sales and services)

#### **Applicant/Agent**

Doug Levesque/Forrest Eddleton

#### **Staff Recommendation**

Staff recommends that the Board of County Commissioners **adopt CPA-01-19**.

#### **Local Planning Agency Recommendation**

Approve (5-0)

# Background



Figure 1: Aerial map of site



Figure 2: Land Use and Zoning Map

This application is a request to amend the future land use designation from Rural/Agriculture to Rural Commercial-Agriculture on a parcel approximately 1.5 acres located north of the Town of Micanopy on S. US Highway 441. In conjunction with this application is the rezoning application ZOM-01-19 which is a request to rezone from the “A” (Agriculture) district to the “BR” (Retail sales and services) district. If approved, the site would allow for certain commercial uses (e.g. neighborhood convenience center, office, sit-down restaurant and agricultural services) consistent with this land use designation. The applicant’s intent is to amend the land use and rezone the site in order to allow a sit-down restaurant as had previously operated here.

At the onset of the adoption of the 1991 Comprehensive Plan, the Rural Commercial-Agriculture land use was designated to those parcels in the rural area with existing commercial zoning, indicated with a “star” on the Future Land Use Map. This parcel at that time had commercial zoning (BH district) and was in operation as a sit-down restaurant (Vecchio’s) and then more recently as a retail store (Door Store).

Despite this historical commercial use, this parcel was not given a Rural Commercial-Agriculture designation. A commercial building on this site was built in 1962 and was an established restaurant for years. Since then, the site applied for and received approvals to continue operation as a non-conforming use (in 1995, 1999 and 2004). The site has been unoccupied for over a decade.

The Rural Commercial-Agriculture land use was created as part of the initial Future Land Use Map for Alachua County’s 1991 Comprehensive Plan. This land use acknowledged existing parcels in the rural area of the county that had commercial zoning. The Rural Commercial-Agriculture land use allows for small-scale (under 10,000 sq. ft.) commercial uses such as neighborhood convenience centers, offices, restaurants and agricultural services intended to serve rural communities. These parcels are not located within any of the rural clusters. Today there are fewer than 40 parcels throughout Alachua County with the Rural Commercial-Agriculture land use designation. Most of these parcels are either vacant or have a use other than commercial. In fact, only one parcel in the entire county with this designation has a commercial use in operation (a taxidermy business on US 301). The proposed land use amendment is a solution to allow the site to resume operation as a restaurant given that the parcel is small (approx. 1.5 ac) and there is a commercial building on site with a paved parking lot. The existing site is suitable for the uses allowed under the Rural Commercial-Agriculture designation.



*Figure 3: Proposed Future Land Use Map*

## Consistency with Comprehensive Plan

### Levels of Service

The Alachua County Comprehensive Plan Capital Improvement Element requires that the public facilities and services needed to support development be available concurrent with the impacts of development and that issuance of a Certificate of Level of Service Compliance (CLSC) be a condition of all final development orders. ‘Concurrent’ shall mean that all adopted levels of service (LOS) standards shall be maintained or achieved within a specified timeframe. Per **Policy 1.2.4 of the Capital Improvements Element** of the Alachua County Comprehensive Plan, LOS standards have been adopted for various types of public facilities.

### Traffic

This rezoning will not result in any additional impacts to the transportation network. Given the site size and existing development on site, it is unlikely that there will be any expansion to the building’s footprint. However, any expansion of commercial activity on the site would require mitigation through the impact fee program.

## ***Water and Sewer***

**Policy 1.2.4 (e) of the Capital Improvements Element** describes the minimum Level of Service standards for potable water and sewer. These are summarized in the following table:

	<b>Peak Residential &amp; Non Residential</b>	<b>Pressure</b>	<b>Storage Capacity</b>
<b>Potable Water</b>	200 gallons/day/du	40 p.s.i.	½ peak day volume
<b>Sanitary Sewer</b>	106 gallons/day/du	N/A	N/A

There will be no impacts to water and sewer levels of service resulting from this request. The site will be served by on-site well water and septic systems.

## ***Drainage***

**Policy 1.2.4 of the Capital Improvements Element** states that the minimum drainage LOS standard for non-residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation or flood resistant construction. Any future development on this site would be required to meet this standard.

## ***Emergency Services***

**Policy 1.2.5 (a) of the Capital Improvements Element** states that the LOS standard for fire services in the area outside the urban cluster is as follows:

- Initial unit response within 12 minutes for 80% of all responses within 12 months.
- Fire protection service level of ISO (Insurance Service Office) Class Protection 10 or better.
- Development shall provide adequate water supply for fire suppression and protection and fire service compliant fire connections.

All development will be required to meet these standards at the time of development plan approval.

### ***Solid Waste***

**Policy 1.2.4 (c) of the Capital Improvements Element** states that the minimum level of service standard for solid waste disposal used for determining the availability of disposal capacity to accommodate demand generated by existing and new development, at a minimum, shall be 0.73 tons per person per year. LOS standards for solid waste will not be exceeded by this request.

### ***Schools***

The proposed rezoning does not authorize residential units and will not have an impact on the school system.

### ***Recreation***

The proposed rezoning does not authorize residential units and will not have an impact on the recreation system.

## **Policy 3.11.2 of the Future Land Use Element**

**Policy 3.11.2 of the Future Land Use Element** provides the standards for Rural Commercial-Agriculture uses:

- (a) Development of Rural Commercial-Agriculture uses shall be required to meet all concurrency requirements.

**The applicant does not intend to expand the existing use. However, should any development occur it shall be required to meet concurrency standards.**

- (b) Development shall be required to minimize access from arterials and collectors. Whenever possible, driveways shall use common access points to reduce potential turn movements.

**The site has two existing access points to an arterial road, US Highway 441. However, as the connection to US 441 is only for northbound traffic; circulation through the site will be one-way with ingress coming from the southern access point and egress to the northern access point.**

- (c) Unless otherwise permitted as a Special Exception by the Board of County Commissioners, a maximum of 10,000 square feet of gross leasable area shall be permitted on each Rural Commercial-Agriculture parcel.

**The site contains a 2,184 sq. ft. building that the applicant intends to convert into the sit-down restaurant. No expansion of this building is expected.**

- (d) Uses may include neighborhood convenience centers consistent with Objective 3.8., offices consistent with Policy 3.9.1., sit down restaurants, and agricultural services to serve the rural area.

**The intent of this application is to amend the land use in order to open a sit-down restaurant. The application has a companion application, ZOM-01-19, that would rezone the parcel to BR, a zoning district that implements this proposed land use.**

- (e) The land development regulations for this land use category shall specify performance standards required to mitigate any adverse impact of such development on adjacent land uses and affected public facilities. Such performance standards shall include buffering and landscaping provisions, site design measures to locate such uses away from less intensive adjacent land uses, signage and parking restrictions, and intensity provisions (e.g. height and bulk restrictions). In the interim, until land development regulations consistent with these policies are adopted, the standards and criteria governing Rural Commercial-Agriculture development shall be implemented by the County's Development Review Committee process.

**The proposed zoning district of BR implements this land use. The site will follow the standards of that district.**

- (f) As part of an area-based Community and Neighborhood Planning program to be implemented as a follow up to the Comprehensive Plan update, the Future Land Use Map shall be reevaluated to consider reclassification of areas designated for Rural Commercial-Agriculture uses as Agriculture. (These parcels are undeveloped rural sites with commercial zoning classifications established prior to October 2, 1991.)

**This site was already developed prior to October 2, 1991 and had a commercial zoning classification (BH).**

## Staff Recommendation

Staff recommends that the Board of County Commissioners **adopt CPA-01-19**

### Bases

1. The site is located on a small parcel outside of the Urban Cluster that has historically held commercial uses for several decades. Despite this historical use, the parcel has never had a commercial land use designation. **Policy 3.1.1 of the Future Land Use Element** states that in order to provide sufficient flexibility for different types of commercial activities, a range of land areas and locations shall be provided for commercial development. The Rural Commercial-Agriculture land use designation was created to acknowledge parcels with commercial zoning located in rural areas of the county prior to October 2, 1991. This site was in operation as a commercial use and had BH (Highway oriented business services) zoning prior to this policy being enacted.
2. **Policy 3.11.2 of the Future Land Use Element** lists standards for the Rural Commercial-Agriculture designation. The site has historically had commercial uses and will be able to meet the criteria listed in this policy. Concurrency requirements will be met by means of impact fees for any new development on site. The site has existing access points to US Highway 441 that will remain for the future business. The existing building has less than 10,000 sq. ft. of gross leaseable area. This application has been submitted in conjunction with a rezoning application (ZOM-01-19) to rezone from the Agriculture "A" district to the Retail sales and services "BR" district in order to allow the proposed use (sit-down restaurant). The proposed use is consistent with uses mentioned in subsection (d) of this policy. The site will conform to standards as enumerated in the BR zoning district, which implements the Rural Commercial-Agriculture land use designation.
3. **Policy 3.4.1 of the Conservation and Open Space Element** requires all applications for land use changes to submit an inventory of natural resource information. Staff has reviewed the natural resources checklist and found that the proposed land use change is consistent with the protection of natural resources.
4. **Policy 1.3.2 of the Economic Element** states that "Alachua County shall encourage the development and expansion of business and industry in appropriate locations that make efficient use of existing public services and infrastructure". The proposed



rezoning will allow for the reuse of a commercial site that has had longstanding commercial uses and access to existing road infrastructure.

## **Staff and Agency Comments**

### **Department of Environmental Protection**

No comments.

### **Department of Public Works**

PW has no issues to the Small Scale Comprehensive Plan Amendment.

The following comments need to be addressed at DRC review level.

The parcel has no FEMA designated 100 year flood plain on the property. The property will be using the existing driveway connections and no new driveway connection to SE 119<sup>th</sup> Avenue is being proposed. The striping plan and parking designations will be evaluated at DRC.

### **Transportation**

No comments.