



Alachua County – Growth Management Staff Report

Application ZOM-01-19

Application Details

Staff Contact

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Planning Commission Hearing Date

March 20, 2019

Board of County Commissioners Hearing Date

August 13, 2019

Project Timeline

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

Requested Action

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

Applicant/Agent

Doug Levesque/Forrest Eddleton

Staff Recommendation

Staff recommends that the Board of County Commissioners **approve ZOM-01-19**.

Planning Commission Recommendation

Approve (5-0)

Background



Figure 1: Aerial map of site



Figure 2: Land Use and Zoning Map

Site description

This application is a request to rezone from the Agriculture (A) zoning district to the Retail Sales and Services (BR) district 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 comprehensive plan amendment application CPA-01-19 which is a request to amend the land use designation on this same parcel from Rural/Agriculture to Rural Commercial-Agriculture. 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.

This site is approximately 1.5 acres and located along S. US Highway 441, between Paynes Prairie and the Town of Micanopy. The existing 2,184 sq. ft. building has previously been used as a restaurant since the 1970s and more recently as a retail store. Business operations were intermittent and the owner applied to re-establish a non-conforming use in 1995, 1999 and 2004. The site was zoned "BH" (Highway oriented business services) until being administratively rezoned by the County in the mid-1990s due to it being designated as Rural/Agriculture on the Future Land Use Map. Since then, it has been zoned "A" (Agriculture). The last business closed over 10 years ago.

To the north of the site is a large, vacant parcel used for timber that has a future land use designation of Rural/Agriculture and Agriculture zoning.

To the east of the site are two small residential parcels, the smaller of which is owned by the applicant. These parcels have a future land use designation of Rural/Agriculture and Agriculture zoning.

To the south of the site is US Highway 441. Across the highway are single-family residences with a future land use designation of Rural/Agriculture and Agriculture zoning.



Figure 3: Proposed Zoning 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:

	Peak Residential & Non Residential	Pressure	Storage Capacity
Potable Water	200 gallons/day/du	40 p.s.i.	½ peak day volume
Sanitary Sewer	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).

Policy 7.1.2 of the Future Land Use Element

Policy 7.1.2 of the Future Land Use Element states that:

Proposed changes in the zoning map shall consider:

- a. consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan*

Upon approval of the companion land use amendment application, CPA-01-19, the proposed rezoning will be consistent with the goals, objectives, policies and adopted maps of the Comprehensive Plan. The site will be located in an area designated for limited commercial activity on the Future Land Use Map.

- b. the availability and capacity of public facilities required to serve the development. When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1 of the Potable Water and Sanitary Sewer Element.*

The site is located outside of the Urban Cluster and is not required to be served by a centralized potable water and sanitary sewer system. This rezoning is not expected to result in any additional impacts to the transportation network.

- c. the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice and redevelopment opportunities.*

Existing development in the vicinity of the site consists of vacant agricultural parcels and single family residences. The site has held commercial uses intermittently for several decades despite its current land use and zoning. Staff has

not identified any environmental justice or redevelopment issues that would result from the approval of this application.

- d. those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the range of densities and intensities permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare.*

This request is to rezone from A (Agriculture) to BR (Retail sales and services) in order to allow a sit-down restaurant. If the companion application CPA-01-19 is approved, the BR district would implement this land use. The rezoning per se does not entitle the applicant to any particular intensity within the range of uses permitted. The existing building on site is well below the 10,000 sq. ft. threshold identified in Comprehensive Plan Policy 3.11.2(c) of the Future Land Use Element.

Unified Land Development Code (ULDC) Consistency

Sec. 402.77. - Review criteria and standards for rezoning applications.

When considering any application for rezoning, the standards and criteria listed below shall apply:

- (a) Consistency.*
- (b) Compatibility.*
- (c) Development patterns.*
- (d) Suitability.*
- (e) Adequate public services.*

(f)*Access.*

(g)*Public health, safety, and welfare.*

In conjunction with the map amendment CPA-01-19 which amends the land use designation on this site from Rural/Commercial to Rural Commercial-Agriculture, the proposed rezoning is consistent with the commercial policies of the Comprehensive Plan. The site has historically been used for commercial purposes for several decades. The development pattern consists of either vacant agricultural land or single family residences. The property was previously developed for a sit-down restaurant (Vecchio's) and is suitable for the uses within the BR zoning district. Adequate public services are available to serve potential allowable uses in the BR zoning district. Access is provided to US Highway 441 by existing ingress/egress points. Staff has not identified any adverse public health, safety or welfare issues that would result from this rezoning.

Staff Recommendation

Staff recommends that the Board of County Commissioners **approve ZOM-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 be retained for the future business. The existing building has less than 10,000 sq. ft. of gross leaseable area. 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.
5. **Sec. 402.77 of the Unified Land Development Code** states “When considering any application for rezoning, the standards and criteria listed below shall apply:
 - (a) *Consistency.*
 - (b) *Compatibility.*
 - (c) *Development patterns.*
 - (d) *Suitability.*
 - (e) *Adequate public services.*
 - (f) *Access.*
 - (g) *Public health, safety, and welfare.”*

In conjunction with the map amendment CPA-01-19 which amends the land use designation on this site from Rural/Commercial to Rural Commercial-Agriculture, the proposed rezoning is consistent with the commercial policies of the Comprehensive Plan. The site has historically been used for commercial purposes for several decades. The development pattern consists of either vacant agricultural land or single family residences. The property was previously developed for a sit-down restaurant (Vecchio's) and is suitable for the uses within the BR zoning district. Adequate public services are available to serve potential allowable uses in the BR zoning district. Access is provided to US Highway 441 by existing ingress/egress points. Staff has not identified any adverse public health, safety or welfare issues that would result from this rezoning.

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 119th Avenue is being proposed. The striping plan and parking designations will be evaluated at DRC.

Transportation

No comments.