

RESOLUTION Z-19-7

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, TO REZONE FROM THE "A" (AGRICULTURE) DISTRICT TO "BR" (RETAIL SALES AND SERVICES) DISTRICT WITH A FUTURE LAND USE DESIGNATION OF RURAL COMMERCIAL-AGRICULTURE ON TAX PARCEL NUMBER 16392-001-000, ON APPROXIMATELY 1.5 ACRES LOCATED AT 13118 S. HIGHWAY 441.

WHEREAS, Zoning Application ZOM-01-19, a request to rezone from the "A" (Agriculture) district to the "BR" (Retail sales and services) district has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of March 20, 2019, and;

WHEREAS, the Alachua County Board of County Commissioners considered this zoning item at its regular meeting of August 13, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application ZOM-01-19, a request by Doug Levesque, owner, to rezone from the "A" (Agriculture) district to the "BR" (Retail sales and services) district, located at 13118 S. Highway 441 on Tax Parcel Number 16392-001-000, as summarized in the attached exhibit, is hereby approved with the following bases:

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.

This Resolution shall take effect on the effective date of Comprehensive Plan Amendment CPA-01-19, which shall be 31 days after adoption, unless the amendment is challenged pursuant to Section 163.3187(5), Florida Statutes. If CPA-01-19 is challenged, the effective date shall be the date a final order is issued finding the comprehensive plan amendment in compliance with Section 163.3184, Florida Statutes.

DULY ADOPTED in regular session this 13th day in August, A.D., 2019.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By:_____

Charles S. Chestnut, IV, Chair

ATTEST:

Jesse K. Irby, II, Clerk

APPROVED AS TO FORM

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS

Department of Growth Management

Authorized Designee

ZOM-01-19 8/13/19

EXHIBIT A

LEVY GRT--LEITNER S/D OF LOTS 8 & 9 DB J-645 LOT 21 N OF HWY OR 2792/487 & OR 3591/0841

Commence at the Northeast corner of Lot Twenty-One (21) of the LEITNER TRACT of Lots 8 and 9, of the LEVY GRANT, Alachua County, Florida, and run North 86 degrees 00 minutes 44 seconds West along the North line of said Lot Twenty-One (21) 464.25 feet to the Northeasterly right of way of State Road No. 25 (U.S. 441); thence run South 52 degrees 09 minutes 14 seconds East along said right of way 561.55 feet to the East line of Lot Twenty-One (21); thence run North 03 degrees 35 minutes 46 seconds East along said East line 312.85 feet to the Northeast corner of Lot Twenty-One (21) and the Point of Beginning all lying and being in the Northeast one-quarter (NE $\frac{1}{4}$) of Lot Twenty-One (21) of the LEITNER TRACT of Lots 8 and 9, of the LEVY Grant, Alachua County, Florida

Figure 1: Image of Legal Description