

## **RESOLUTION Z-20-03**

*A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA TO REZONE FROM 'BR' (RETAIL SALES AND SERVICES) DISTRICT TO 'BH' (HIGHWAY ORIENTED BUSINESS SERVICES) DISTRICT ON APPROXIMATELY 2.2 ACRES LOCATED ON TAX PARCEL NUMBER 04344-009-000 AND A PORTION OF PARCEL 04344-003-000 IN THE 14000 BLOCK OF W. NEWBERRY ROAD*

WHEREAS, Zoning Application ZOM-02-20, a request by Ryan Thompson of CHW, Inc., agent, for Ameris Bank and George E. Fletcher Rev. Trust, owners, to rezone from 'BR' (Retail Sales and Services) district to 'BH' ( Highway Oriented Business Services) district on approximately 2.2 acres located on tax parcel number 04344-009-000 and a portion of parcel 04344-003-000 in the 14000 Block of W. Newberry Road has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of February 19, 2020 and;

WHEREAS, the Alachua County Board of County Commissioners considered this zoning item at its regular meeting of March 24, 2020;

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

Zoning Application ZOM-02-20, a request by Ryan Thompson of CHW, Inc., agent, for Ameris Bank and George E. Fletcher Rev. Trust, owners, to rezone from 'BR' (Retail Sales and Services) district to 'BH' ( Highway Oriented Business Services) district on approximately 2.2 acres located on tax parcel number 04344-009-000 and a portion of parcel 04344-003-000 in the 14000 Block of W. Newberry Road, as summarized in the attached exhibit, is hereby approved with the following bases:

## **Bases**

**1. Policy 2.2.7(b)1 (Jonesville Activity Center Policies)** states that: *Commercial activities shall be permitted, including a shopping center, where commercial land use is designated on the activity center map...*

The proposed zoning change is on property with a Commercial land use designation, consistent with this policy.

**2. Policy 2.2.7(b)2 (Jonesville Activity Center Policies)** states that: *All proposed development is required to be served by central water and sewer.*

The proposed development will be served by municipal services provided by Gainesville Regional Utilities (GRU) consistent with this policy and the level of service standards found in the Plan.

**3. Objective 3.1 of the Future Land Use Element** states that: *A variety of commercial land use categories shall be established to allow for a range of commercial activities within designated areas, distributed to make efficient use of infrastructure and land, and to meet market demand. Commercial development shall include such uses as retail sales, professional services, business services, and personal services and storage (mini-warehouses).*

The proposed rezoning to BH (business highway) district will permit a variety of uses including retail sales, professional and business services and self-storage warehouses

consistent with this policy. The proposed BH district is also consistent with the implementing zoning found on surrounding parcels within the Jonesville Activity Center and will therefore not introduce permitted uses that are out of character with surrounding commercial development, which consists primarily of retail sales, restaurants (both sit-down and drive-through), financial institutions, convenience stores/gas stations as well as professional offices and office parks.

**4. 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*

The site is located in an area designated for commercial activity on the Future Land Use Map and is part of the Jonesville Activity Center. Level of Service standards will not be adversely impacted by the request and the property will be required to hook up to municipal services as required by the Plan. The BH zoning district implements the commercial land use designation found on the 2019-2040 Future Land Use Map for Alachua County and permits a variety of uses consistent with surrounding development.

*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 in the Urban Cluster and will be served by a centralized potable water and sanitary sewer system. This rezoning is not expected to result in significant impacts to the transportation network. The applicant will be required to provide Multi-modal transportation mitigation per requirements for non-residential development.

*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 consists of commercial including retail, restaurants, financial institutions as well as office development. The proposed BH zoning will introduce similar types of development if approved.

*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 between the commercial zoning district of BR to another commercial zoning district (BH). The rezoning does not entitle the applicant to any particular intensity within the range of uses permitted.

**5. 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.* The proposed rezoning will allow for many uses that are consistent with the Commercial future land use designation for this parcel. The BH districts allows for a variety of retail uses as well as for restaurants and drive-through eateries. As an example, a drive-through food service establishment (Starbucks) is nearing completion 3 parcels to the west. This section of Newberry Road also contains sit-down restaurants, bank facilities, convenience stores as well as retail establishments.

(b)*Compatibility.* The proposed zoning is compatible with surrounding zoning districts along the Newberry Road corridor, most of which have a similar BH zoning designation. In addition, the BR zoning district, which is one 'step down' from the BH zoning district, allows commercial uses such as retail sales and restaurants that would still be compatible in nature with the BH zoning district.

(c)*Development patterns.* Development along the south side of Newberry Road and within the Jonesville Activity Center is mostly non-residential in nature (banks, stores, restaurants). The introduction of BH zoning at this site (with permitted uses mostly non-residential in nature), should it be approved, will not introduce development inconsistent with surrounding development.

(d)*Suitability.* The uses found in the BH are appropriate for this site, which is located in a major activity center at the junction of Newberry Road and NW 143<sup>rd</sup> Street. As such, commercial uses are appropriate as they will serve surrounding residential areas. Consistent with the policies in the comprehensive plan for activity centers, the non-residential uses allowed in the BH district are suitable for this location.

(e)*Adequate public services.* Per the Level of Service (LOS) standards found in the Plan, staff analysis has shown that LOS standards will not be compromised by this request

(f)*Access.* Access to this site will occur from Newberry Road. In addition, a network of access roads connecting to the property from south of the site will provide secondary access from adjoining developments.

(g)*Public health, safety, and welfare.* The permitted uses under the proposed BH zoning district allow a variety of retail, office and other non-residential uses

consistent with those found in the activity center setting. This zoning district exists elsewhere in the Jonesville Activity Center with no demonstrable impacts to public health, safety or welfare.

DULY ADOPTED in regular session this 24<sup>th</sup> day in March, A.D., 2020

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

---

Robert Hutchinson, 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



## EXHIBIT A

A PARCEL OF LAND SITUATED IN FRACTIONAL SECTION 3, TOWNSHIP 10 SOUTH, RANGE 18 EAST INSIDE THE ARREDONDA GRANT, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID FRACTIONAL SECTION 3; THENCE NORTH 00°15'12" WEST, 1319.69 FEET; THENCE SOUTH 89°18'51" EAST, 596.01 FEET; THENCE NORTH 00°01'49" WEST, 1664.08 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD NO. 26 (A.K.A. WEST NEWBERRY ROAD); THENCE NORTH 89°32'47" EAST ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 838.01 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3439, PAGE 1126 OF THE PUBLIC RECORDS OF SAID COUNTY AND TO THE **POINT OF BEGINNING**; THENCE NORTH 89°32'47" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 125.00 FEET TO THE NORTHWEST CORNER OF LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 4413, PAGE 2233 OF SAID PUBLIC RECORDS; THENCE NORTH 89°32'47" EAST, ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 149.99 FEET; THENCE SOUTH 00°10'56" WEST, DEPARTING SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 343.47 FEET; SOUTH 89°32'47" WEST, 150.00 FEET TO THE SOUTHEAST CORNER OF AFOREMENTIONED LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 3439, PAGE 1126; THENCE SOUTH 89°32'47" WEST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 125.00 FEET TO THE SOUTHWEST CORNER THEREOF; THENCE NORTH 00°10'56" EAST, ALONG THE WEST LINE OF SAID LANDS, A DISTANCE OF 343.48 FEET TO THE **POINT OF BEGINNING**.

**CONTAINING** 2.168 ACRES, MORE OR LESS.