



Alachua County – Growth Management Staff Report

Application ZOM-02-20

Staff Contact: Gerald L. Brewington

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Planning Commission Hearing Date: February 19, 2020

Board of County Commissioners Hearing Date: March 24, 2020

Project Timeline

- Submitted: December 20, 2019
- Staff Report Distributed: February 14, 2020
- Planning Commission: February 19, 2020
- BoCC Hearing: March 24, 2020

Requested Action

A request by CHW, Inc., agent, for Ameris Bank and George E. Fletcher Revocable Trust, owners, to rezone from BR (Business retail sales and services) district to BH (Highway oriented business services) district on approximately 2.2 acres of land on tax parcel numbers 04344-009-000 and 04344-003-000 located at approximately the 14000 block of West Newberry Road.

Property Owner: Ameris Bank and George E. Fletcher Revocable Trust

Applicant/Agent: CHW, Inc.

Property Description

Address: 14000 block of West Newberry Road

Parcel Numbers: 04344-009-000 and 04344-003-000

Section/Township/Range: 03/10/18

Land Use: Commercial (Jonesville Activity Center)

Zoning: BR

Acreage: 2.2 acres

Previous Requests

None

Zoning Violation History

None

Staff Recommendation: Staff recommends that the Commission adopt the proposed rezoning request with the bases as noted in the staff report.

PC Recommendation: Staff recommends that the Commission adopt the proposed rezoning request with the bases as noted in the staff report.

Background and Analysis

The applicant is requesting to rezone from BR (business retail sales) district to 'BH' (Highway Oriented Business Services) district. The BH district specifically permits drive-through sales as a limited use (as opposed to a special exception as required in BR). The BH district provides for additional uses not permitted in the BR district. Specifically, these are:

Commercial animal boarding facility (SE)	Bus station (SE)	Broadcasting Tower (SE)
Entertainment and Recreation (SE)	Outdoor Recreation (SE)	Cocktail Lounge (P)
Radio Station (P)	Sexually oriented media (L)	Service Station (P)
Self-Service Storage Facility (L)		

P = Permitted SE = Special Exception L = Limited Use

It should be noted that, for this particular site, a sexually oriented business would **not** be permitted as there is a minimum 500/750 foot separation between such an establishment and residentially zoned land. This buffer encompasses all of the property proposed for rezoning as part of this application (distance from residentially zoned property to western parcel boundary is 429 feet). Any use that is permitted by right (P) or as a limited use (L – subject to additional criteria in the Unified Land Development Code (ULDC) can proceed without further zoning action and is subject to site plan approval only. Special exceptions require an additional public hearing before the BoCC before they can be approved.

The surrounding zoning for the parcel is primarily BR. Further to the west BH zoning is predominant. The introduction of BH on these parcels would not introduce uses out of character with similar development along the Newberry Road corridor in Jonesville (for example, a drive through restaurant is being built 3 parcels to the west of the proposed parcel). Of greater importance is the impact that potential uses will have on residential development to the east (i.e. adjacent residential development zoned R-1a as well as the Jockey Club). To this end, staff has recommended that the BH zoning not extend to the adjacent residential development but rather transition down to BR before then transitioning to residential uses. Staff also notes that four residential parcels located to the east of the proposed site, while presently having a low-density residential land use and zoning district, are located within the Jonesville Activity Center and are therefore likely candidates for a future land use change to non-residential land use designations.

Description of Site and Surrounding Properties

The site is approximately 2.2 acres in size and is located on the south side of Newberry Road in the Jonesville Activity Center. The parcel has a commercial land use designation and BR zoning. Surrounding properties all have a commercial land use designation with a combination of BR and BH zoning.

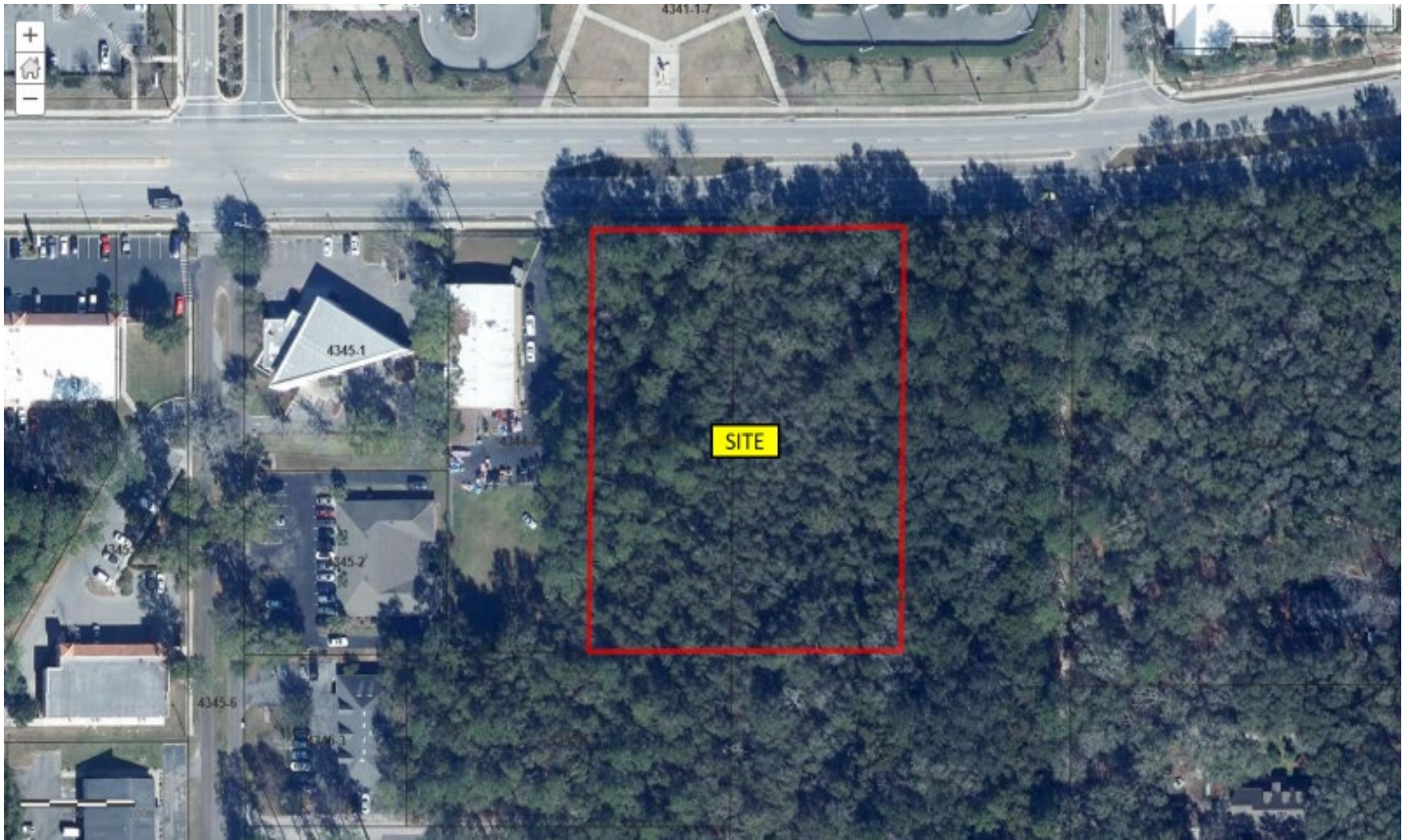


Figure 1 – Aerial View of the Subject Parcel

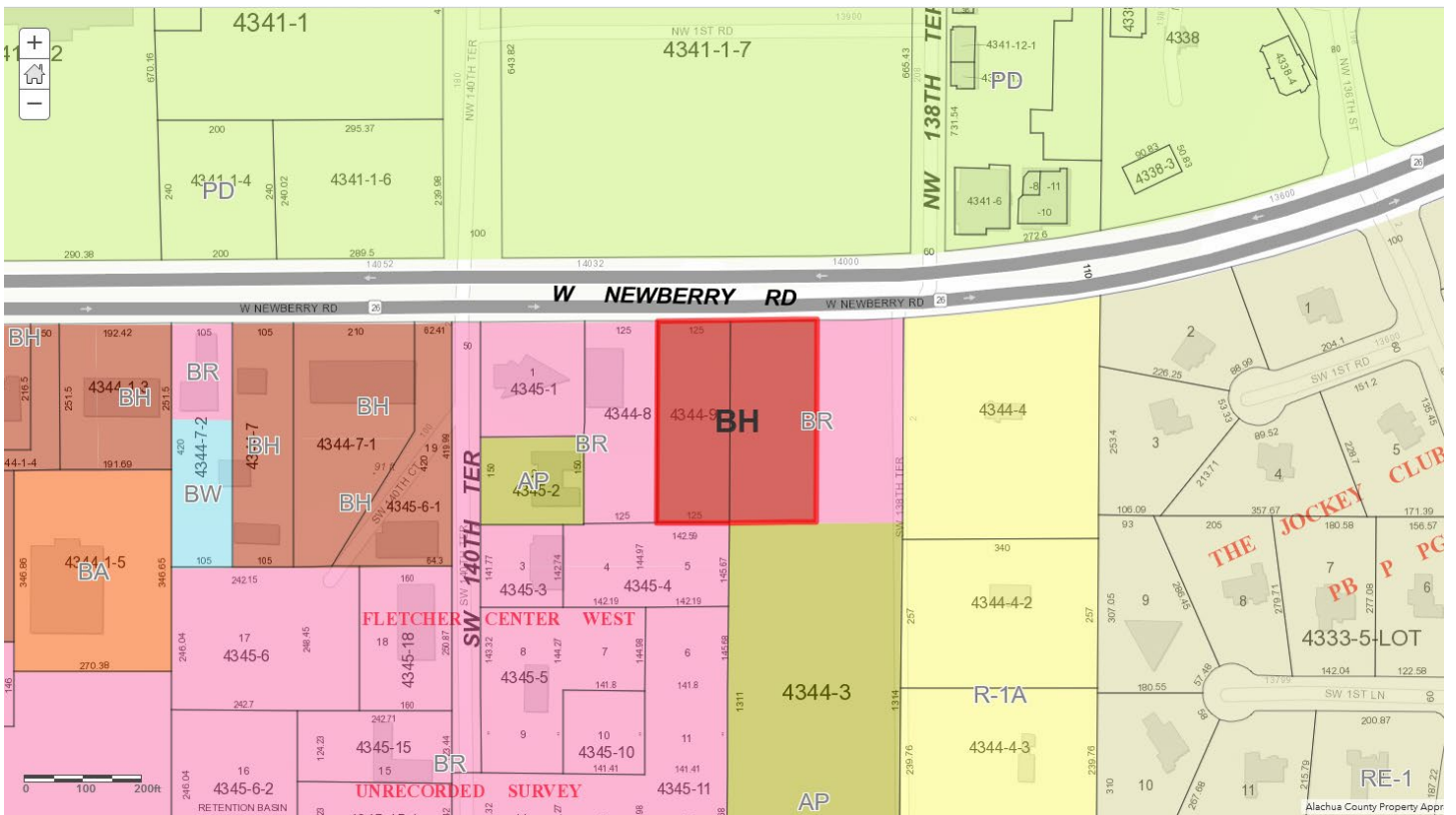


Figure 2 – Map Showing Zoning Request

Comprehensive Plan Consistency

The following is a staff analysis of the consistency of this application with the Alachua County 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 and Policy 1.2.5 of the Capital Improvements Element** of the Alachua County Comprehensive Plan, LOS standards have been adopted for various types of public facilities.

Traffic

Any residential or non-residential development on the site will require mitigation through the MMTM fee program.

Water and Sewer

Policy 1.2.4 (d) 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 municipal water and sewer service.

Drainage

Policy 1.2.4 (c) 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 will 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 inside the urban cluster is as follows:

- Initial unit response within 6 minutes for 80% of all responses within 12 months.
- The Land Development Regulations shall require that 100% of all development shall provide

water supply served by hydrants.

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

Solid Waste

The level of service (LOS) standard for solid waste disposal, used as the basis for determining availability of disposal capacity to accommodate the demand generated by existing and new development in Alachua County, is at a minimum, at 0.8 inbound tons per person per year at the Leveda Brown Environmental Park in 2018 and thereafter.

Schools

The uniform, district-wide LOS standards shall be 100% of Program Capacity [see definition] for elementary, middle and high schools. This LOS standard shall apply to all concurrency service areas (CSA) as adopted in the Interlocal Agreement. These LOS standards shall be applied to School Concurrency Service Areas (SCSAs) as specified in the Public School Facilities Element. The proposed rezoning does not authorize residential units and will not have an impact on the school system.

Recreation

Recreation LOS Standards: The County shall adopt and maintain, at a minimum, the following level of service standards for recreation of: (1) 0.5 acres of improved activity-based recreation sites per 1000 persons in the unincorporated area of Alachua County; (2) 5.0 acres of improved resource-based recreation sites per 1000 persons in the unincorporated area of Alachua County. The proposed rezoning does not authorize residential units and will not have an impact on the recreational LOS in the County.

Future Land Use

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.

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.

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.

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.

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.* 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 143rd 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.

Staff Recommendation

Staff recommends that the requested zoning change from BR to BH be adopted as proposed with the bases cited below:

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).*

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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.

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Staff and Agency Comments

Department of Public Works: No comments

Department of Environmental Protection: No comments

Transportation Planning: No comments