



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

## **Application Z23-000002**

### **Application Details**

#### **Staff Contact**

Mehdi J. Benkhatar, Planner III

#### **Staff Phone Number**

352-374-5249 ext. 5261

#### **Planning Commission Hearing Date**

July 19, 2023

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

August 22, 2023

#### **Requested Action**

A request to rezone from R-1b (Single Family Residential, 4 to 8 units/acre) district to the BH (Highway Oriented Businesses) district.

#### **Property Owner**

Fouts & Torres & Fouts

#### **Property Description**

Address: 7404 NW 4th Blvd.

Parcel Number: 06655-013-001 (portion)

Section/Township/Range: 04/10/19

Future Land Use: Tourist/Entertainment (Oaks Mall Activity Center)

Zoning: R-1b

Acreage: 0.2 approx.

## **Previous Requests**

Z-326 (1967): A request to rezone from the BH (Highway Oriented Businesses) district to the R-1b (Single Family Residential, 4 to 8 units/acre) district.

## **Zoning Violation History**

None.

## **Applicant**

Clay Sweger of eda, inc.

## **Project Timeline**

- Submitted: May 22, 2023
- Staff Report Distributed: July 14, 2023
- Planning Commission Hearing: July 19, 2023

## **Staff Recommendation**

Staff recommends that the Board of County Commissioners **approve Z23-000002** with the bases as listed in the staff report.

## **Planning Commission Recommendation**

Approve (6-0)

## **Background**

This application is a request to rezone from the R-1b (single-family residential, 4 to 8 units/acre) zoning district to the BH (highway-oriented business) zoning district. The purpose of this rezoning is to bring the zoning into consistency with the parcel's future land use designation of Tourist/Entertainment. The parcel's original zoning had been BH until a rezoning to R-1b to allow a residence was approved in 1967. The current owner wishes to incorporate this home into the adjacent car wash business as a security quarter (accessory use).



Figure 1: Aerial image of site

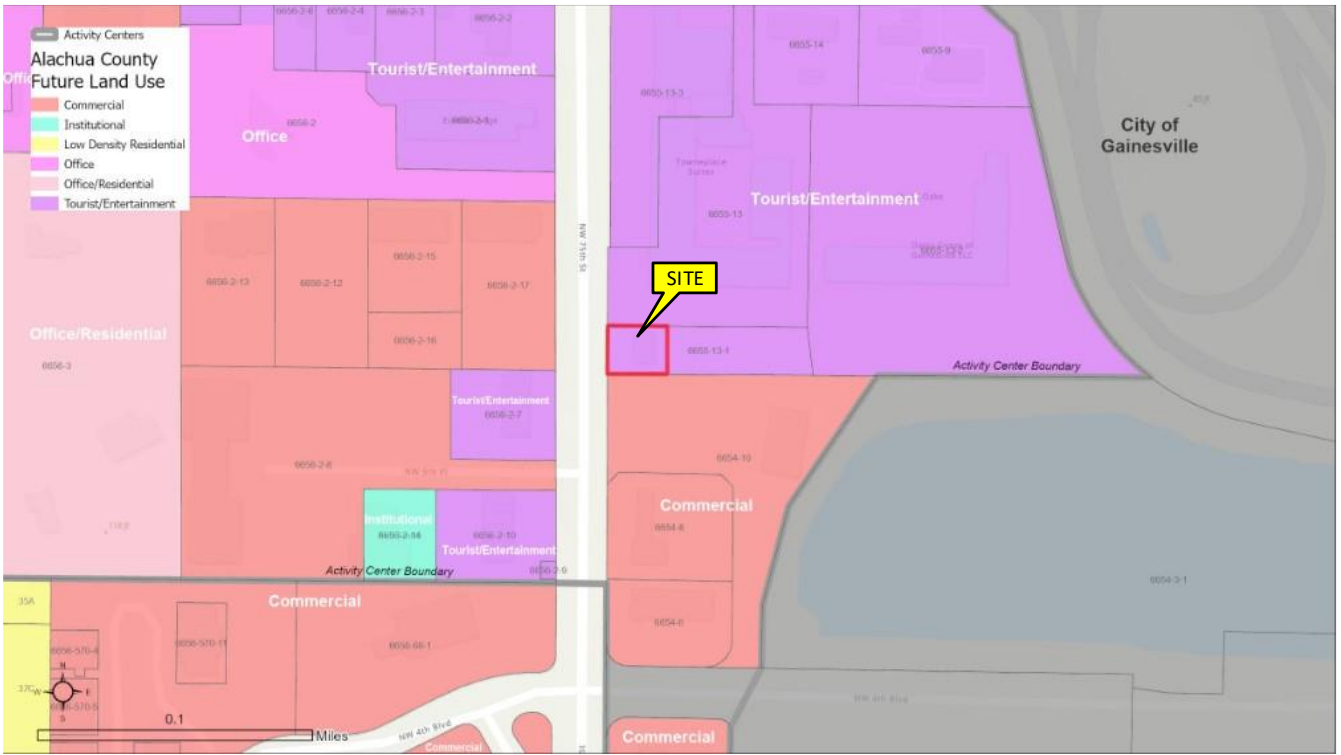


Figure 2: Future Land Use Map

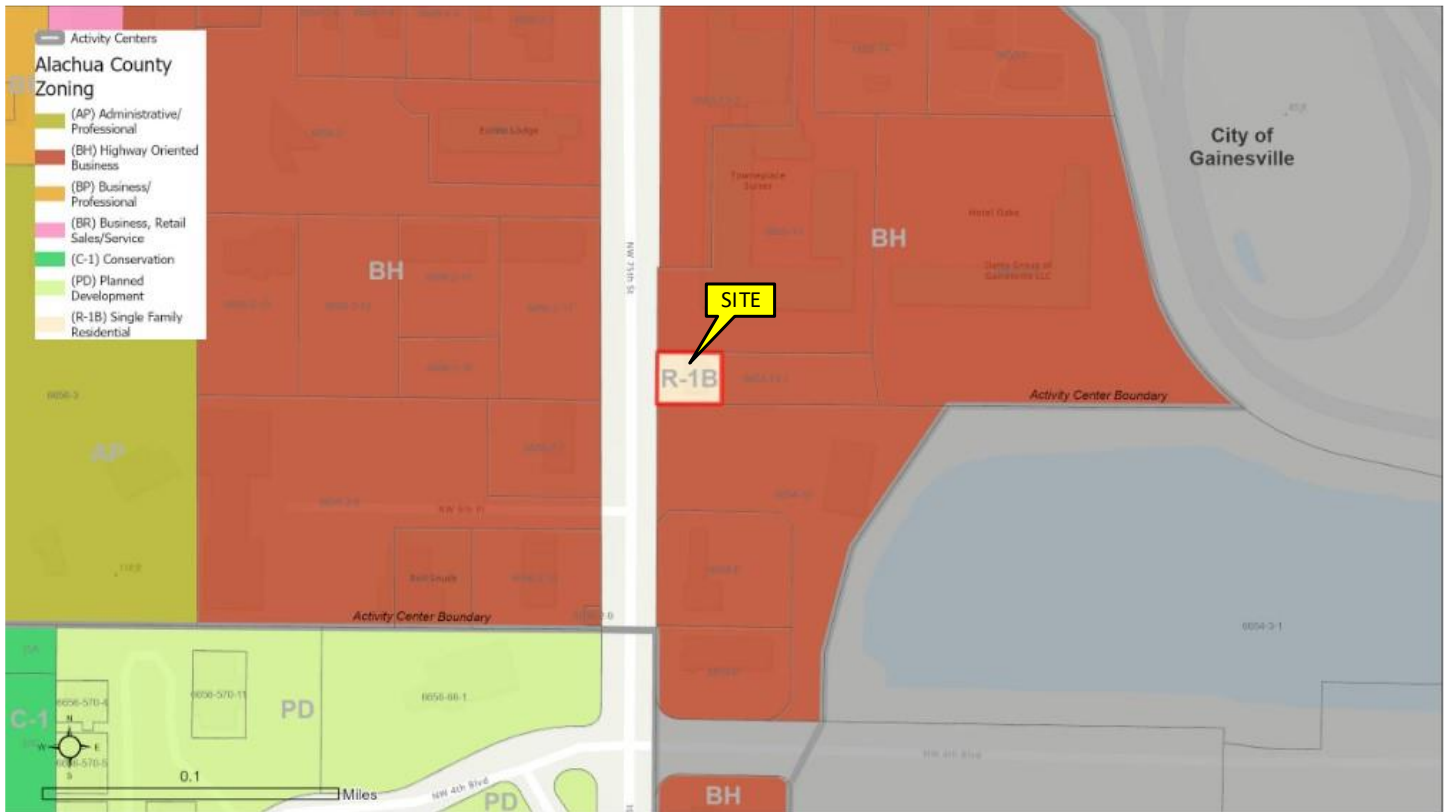


Figure 3: Existing Zoning Map

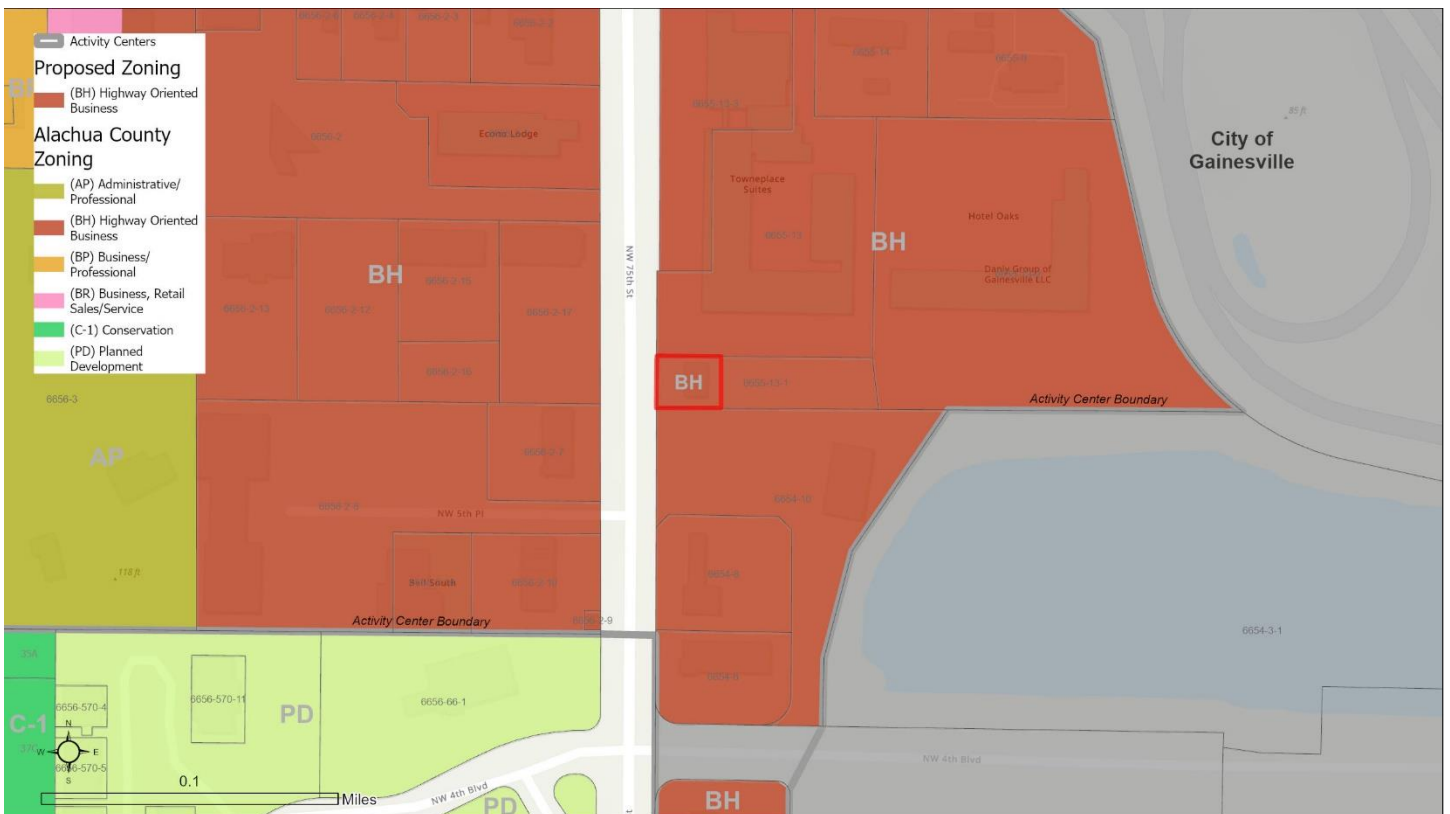


Figure 4: Proposed Zoning Map

## **Site description**

The site of this rezoning application is a 0.2 acre portion of parcel 06655-013-001, located on NW 75<sup>th</sup> St. (Tower Rd.) to the south of W. Newberry Rd. The site contains a single-family residence and has R-1b residential zoning. The home has existed for decades as a nonconforming use with the future land use designation being Tourist/Entertainment. The remainder of the parcel has commercial BH (highway-oriented business) zoning, which is the zoning this application seeks to obtain.

All surrounding parcels (as well as those across NW 75<sup>th</sup> St.) similarly have BH zoning. Surrounding parcels have been designated as either Tourist/Entertainment or Commercial, as they are all within the Oaks Mall activity center, a high-intensity, mixed use regional focal point.

Existing development surrounding the site include the Park Place car wash to the south. The intent of this rezoning is to integrate this site into the car wash property and designate the single-family residence as a security quarter (allowed as an accessory use in the BH district).

To the north and east of the site are hotels.

To the west of the site across NW 75<sup>th</sup> St. is a small shopping plaza and pool supply store.

According to data from the County's MapGenius, the site does not show as being within a flood zone, wetland or sensitive karst area.

## **Consistency with Comprehensive Plan**

### **Policy 7.1.2 of the Future Land Use Element**

**Policy 7.1.2 of the Future Land Use Element** states:

*Proposed changes in the zoning map shall consider:*

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

The requested rezoning is consistent with the goals, objectives, policies and adopted maps of the Comprehensive Plan. The rezoning from R-1b to BH is consistent with the Tourist/Entertainment policies found in the Plan.

- 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 within the Urban Cluster in an activity center. Public facilities are available to serve the property, including transit service (Route 75).

- 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 non-residential uses split between Tourist/Entertainment and Commercial. The proposed rezoning would be consistent with these uses. Staff has not identified any negative impacts to environmental justice or redevelopment opportunities that would result from this rezoning being 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.*

The rezoning, if approved, will not result in an increase of residential density. The purpose of this request is to make the site's zoning and land use designation consistent.

## Levels of Service (Capital Improvements Element)

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***

This rezoning will result in *de minimus* impacts to the transportation network.

### ***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:

	<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

The site is located within the Urban Cluster and will be serviced by centralized sanitary sewer and potable water.

## ***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 development at this site will be required to meet this standard at the time of final DRC approval.

## ***Emergency Services***

**Policy 1.2.5 (a) of the Capital Improvements Element** states that the LOS standard for fire services in the Urban Cluster is as follows:

- Initial unit response within 6 minutes for 80% of all responses within 12 months.
- 100% of development shall provide water supply served by hydrants.

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

## ***Solid Waste***

**Policy 1.2.4 (b) 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 0.8 tons per person per year. LOS standards for solid waste will not be exceeded by this request.

## ***Schools***

The proposed rezoning does not authorize additional residential units and would not impact the level of service for public schools.



## ***Recreation***

The proposed rezoning does not authorize additional residential units and would not impact the level of service for recreation.

## **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.*

The proposed rezoning is consistent with the Comprehensive Plan and ULDC (a). The BH zoning district implements the Tourist/Entertainment land use designation and is compatible with the present zoning pattern (BH entirely surrounds the site) and conforming uses of nearby properties and the character of the surrounding area. The surrounding area consists of non-residential uses for both Alachua County residents and short-term visitors (mix of Commercial and Tourist/Entertainment land uses). Rezoning to the BH district would be compatible with surrounding parcels and the development patterns found in the Oaks Mall activity center (b,c,d). The site is located within the Urban Cluster where adequate public facilities exist (e). Access to the site is from the adjacent car wash parcel to the south, which seeks to integrate the existing residence on this parcel

as a security quarter (f). The rezoning will not result in any adverse impacts to public health, safety or welfare (g).

## Staff Recommendation

Staff recommends that the Board of County Commissioners **approve Z23-000002** with the bases as listed in the staff report.

## Bases

1. The site's future land use designation is Tourist/Entertainment. The existing zoning of R-1b (single-family residential) is inconsistent with this land use. The rezoning, if approved, would create consistency and provide a zoning district that could implement the designated land use.
2. The parcel that is the subject of this request is located within a high-intensity activity center (Oaks Mall). **Policy 3.1.2 of the Future Land Use Element** states:

*“New commercial facilities shall be encouraged to locate within **designated activity centers**, Transit Oriented Developments or Traditional Neighborhood Developments in order to discourage strip commercial development and the premature establishment of new activity centers.”*

3. **Policy 7.1.2 of the Future Land Use Element** states that:

*Proposed changes in the zoning map shall consider:*

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

The requested rezoning is consistent with the goals, objectives, policies and adopted maps of the Comprehensive Plan. The rezoning from R-1b to BH is consistent with the commercial land use policies found in the Plan.

*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 within the Urban Cluster. Public facilities are available to serve the property, including transit service (Route 75).

*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 non-residential uses (hotels, car wash, shopping plaza). Surrounding parcels all have similar BH zoning. Staff has not identified any negative impacts to environmental justice or redevelopment opportunities that would result from this rezoning being approved.

*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.*

The rezoning, if approved, will not result in an increase of residential density. The purpose of this request is to create consistent zoning/land use for the parcel. The permitted uses of the BH zoning district implement the Tourist/Entertainment land use category.

#### **4. Sec. 402.77 of the Unified Land Development Code -- 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.*

The proposed rezoning is consistent with the Comprehensive Plan and ULDC (a). The BH zoning district implements the Tourist/Entertainment land use designation and is compatible with the present zoning pattern (BH entirely surrounds the site) and conforming uses of nearby properties and the character of the surrounding area. The surrounding area consists of non-residential uses for both Alachua County residents and short-term visitors (mix of Commercial and Tourist/Entertainment land uses). Rezoning to the BH district would be compatible with surrounding parcels and the development patterns found in the Oaks Mall activity center (b,c,d). The site is located within the Urban Cluster where adequate public facilities exist (e). Access to the site is from the adjacent car wash parcel to the south, which seeks to integrate the existing residence on this parcel as a security quarter (f). The rezoning will not result in any adverse impacts to public health, safety or welfare (g).

5. An environmental resource assessment was submitted by the applicant. Staff from the Environmental Protection Department have found that the proposed rezoning is consistent with protection of natural resources, as required by **Policy 3.4.1 of the Conservation and Open Space Element of the Comprehensive Plan.**
6. **Policy 1.1.9 of the Economic Element** states that the County shall promote redevelopment and infill within the Urban Cluster. The rezoning benefits from existing infrastructure and services in place to serve future uses at this site. The proposed rezoning will be able to maintain levels of service for public facilities as established by **Policy 1.2.4 of the Capital Improvements Element.**

## **Staff and Agency Comments**

### **Department of Environmental Protection**

No comment.

### **Department of Public Works**

No comment.

### **Transportation**

No comment.