

RESOLUTION Z-23-3

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, TO REZONE FROM THE SINGLE-FAMILY RESIDENTIAL, 1 TO 4 DWELLING UNITS/ACRE (R-1B) ZONING DISTRICT TO THE HIGHWAY-ORIENTED BUSINESSES (BH) ZONING DISTRICT WITH A FUTURE LAND USE DESIGNATION OF TOURIST/ENTERTAINMENT ON A PORTION OF TAX PARCEL NUMBER 06655-013-001, ON APPROXIMATELY 0.2 ACRES LOCATED AT 7404 NW 4TH BLVD.

WHEREAS, Zoning Application Z23-000002, a request to rezone from the single-family residential zoning district (R-1b) to the commercial highway-oriented business (BH) zoning district, has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of July 19, 2023 and;

WHEREAS, the Alachua County Board of County Commissioners considered this zoning item at its regular meeting of August 22, 2023;

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

Zoning Application Z23-000002, a request by Clay Sweger of eda, inc., agent, for Fouts & Torres & Fouts, owners, to rezone from the single-family residential zoning district (R-1b) to the commercial highway-oriented business (BH) zoning district, located at 7404 NW 4th Blvd. on a portion of Tax Parcel Number 06655-013-001, as summarized in the attached exhibit, is hereby approved with the following bases:

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.**

DULY ADOPTED in regular session this 22nd day in August, A.D., 2023.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____

Anna Prizzia, 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: LEGAL DESCRIPTION

LEGAL DESCRIPTION

THE WESTERNMOST PORTION OF THE PROPERTY ZONED R-1B OF THE OVERALL PARCEL DESCRIBED BELOW:

COM NW COR SEC S 00 DEG 50 MIN 48 SEC E 135 FT N 89 DEG 26 MIN 12 SEC E 44 FT S 00 DEG 50 MIN 48 SEC E 536.23 FT POB S 00 DEG 50 MIN 48 SEC E 80 FT N 89 DEG 25 MIN 42 SEC E 343.62 FT N 07 DEG 56 MIN 11 SEC W 80.67 FT S 89 DEG 25 MIN 42 SEC W 333.66 FT POB