



Alachua County – Growth Management Staff Report

Application Z22-000013

Application Details

Staff Contact

Gerald L. Brewington

Staff Phone Number

352-374-5249 ext. 2220

Planning Commission Hearing Date

May 17, 2023

Board of County Commissioners Hearing Date

June 13, 2023

Requested Action

A request for a special exception to allow commercial animal raising in the 'A' (Agriculture) zoning district.

Property Owner

Eugene Bessette

Property Description

Address: 13916 SW Archer Road

Parcel Numbers: 04712-004-000 & 04712-004-001

Section/Township/Range: 10/11/18

Future Land Use: Rural/Agriculture (1 dwelling per 5 acres)

Zoning: Agriculture (A)

Acreage: +/- 7.0 acres

Previous Requests

None.

Zoning Violation History

File: 22-004591: July 14, 2022; Improvement of property without Development Review and Improvement of property without a permit.

Applicant

Byron Flagg, Esq. of Gray Robinson, PA

Staff Recommendation

Staff recommends that the Planning Commission recommend that the Board of County Commissioners **approve Z22-000013** with the conditions and bases as listed in the staff report.

PC Recommendation

The PC recommends that the Board of County Commissioners **approve Z22-000013** with the conditions and bases as listed in the staff report (8-0).

Background



Figure 1: Aerial image of site



Figure 2: Future Land Use Map



Figure 3: Zoning Map

This application is a request for a special exception to allow commercial animal raising on an approximately 7-acre parcel located along Archer Road. The owner raises exotics (snakes) on the parcel. The business has been in operation since the late 1980's and has approximately 15,000 snakes of multiple varieties on site at any one point. The operator also breeds rodents as food stock for the snake population.



View of the facility to the right with outbuildings to the left



Unpermitted Accessory buildings containing breeding facilities



Photograph of unpermitted structures along northern parcel boundary

Per the Alachua County Unified Land Development Code (ULDC), commercial animal raising is permitted in the 'A' (Agriculture) district by special exception, requiring public hearings before both the Planning Commission (PC) and the Board of County Commissioners (BoCC). The parcels are located on the north side of Archer Road and are surrounded by large lot parcels with similar land use and zoning designations.

Policy 3.4.1 of the Conservation and Open Space Element of the Comprehensive Plan requires all zoning applications to submit an inventory of natural resource information. The applicant submitted an Environmental Resource Assessment checklist as part of this submittal that was reviewed by the Environmental Protection Department. Upon review, the proposed special exception for commercial animal raising was found to be consistent with the protection of natural resources. EPD staff have proposed additional conditions to ensure protection of potential gopher tortoise burrows on the site.

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 special exception will result in *de minimus* impacts to the transportation network. It is not anticipated that the proposed use will produce significant transportation impacts on the surrounding roadway 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:

	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

The site is located outside of the Urban Cluster and is presently served by well and septic tanks. This will continue under any special exception if granted by the BoCC.

Drainage

Policy 1.2.4 of the Capital Improvements Element states that the minimum drainage LOS standard for residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation. Any development at this site will be required to meet this standard at the time of final DRC approval, if needed.

Emergency Services

Policy 1.2.5 (a) of the Capital Improvements Element states that the LOS standard for fire services outside the urban cluster area is as follows:

- Initial unit response within 12 minutes for 80% of all responses within 12 months.
- Fire protection service level of ISO (Insurance Service Office) Class Protection 10 or better.
- Development shall provide adequate water supply for fire suppression and protection and fire service compliant fire connections.

Any new development at this site will be required to meet this standard 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 special exception is non-residential in nature. There will be no impacts to public schools as a result of this request.

Recreation

The proposed special exception is non-residential in nature. There will be no impacts to recreation levels of service as a result of this request.

Unified Land Development Code (ULDC) Consistency

Sec. 402.113. - Criteria for approval.

The BOCC shall, as part of a decision to approve an application for special exception, make a finding that an application complies with both the general criteria and the review factors listed below.

- (a) The proposed use is consistent with the Comprehensive Plan and ULDC;

The proposed use is consistent with the Rural Agriculture policies of the Plan. Commercial animal raising is permitted by special exception in the Agriculture zoning district. The use does not generate undue noise, odors or glare. The limited number of staff on site do not generate excess traffic onto a public road facility (Archer Road) and the nature of the operation is in keeping with surrounding agricultural uses.

- (b) The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

The area surrounding the parcels is made up of large lot residences and agricultural operations. The proposed special exception is not distinguishable from these and does not generate any more traffic (maximum 8-10 employees per day plus no commercial traffic) as these surrounding uses. The operation is indistinguishable from other agricultural-type operations in the area.

- (c) The proposed use shall not adversely affect the health, safety, and welfare of the public;

The use does not generate harmful noise, odors or glare nor does it create conditions that would be harmful to surrounding properties owners or to the population of Alachua County in general.

- (d) Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

- (1) Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

Ingress and egress for the parcel is directly onto SW Archer Road, a paved state facility.

- (2) Off-street parking and loading areas where required, with particular attention to Item (1) above;

Minimal traffic is generated by the proposed use, which is for commercial animal raising. On site parking can be accommodated without significant site improvements and is sufficient for existing staff and on-site residents.

(3) The noise, glare, or odor effects of the special exception on surrounding properties;

The operation does not contribute any noise, glare or odors detectible from the exterior of the structures. Given the overall parcel size (7 acres), impacts to surrounding properties are minimal..

(4) Refuse and service areas, with particular reference to location, screening, and Items (1) and (2);

A single dumpster is located on-site. Service areas are those consistent with small commercial/industrial buildings and are not out of character with agricultural operations in the area..

(5) Utilities, with reference to location and availability;

The site is served by onsite well and septic as well as Clay Electrical service.

(6) Screening and buffering with reference to type, dimensions and character;

Screening and buffering shall consistent with the Alachua County ULDC at the time of final site plan approval.

(7) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;

The site has no signage. Any proposed signage will be is consistent with the Alachua County ULDC for the A zoning district.

(8) Required yards and other greenspace;

Development plan approval shall be required to show required yards and open space consistent with the Alachua County ULDC

(9) General compatibility with surrounding properties; and

The operation is a breeding facility for exotics (snakes). A visit to the site found that the operation does not generate noise, odors or other impacts any different from agricultural operations that are permitted in the same district.

(10) Any special requirements set forth in this ULDC for the particular use involved.

The ULDC has no further requirements for this type of operation beyond those associated with the A zoning district and operations therein.

Staff Recommendation

Staff recommends that the Planning Commission recommend that the Board of County Commissioners **approve Z22-000013** with the conditions and bases as listed in the staff report.

Conditions

1. This special exception is granted for the use of Commercial Animal Raising to parcels 04712-004-000 & 04712-004-001 and all facilities contained therein that existed on the date of approval. The Special Exception allows for an addition of up to 10,000 sq ft of additional building area as demonstrated on the submitted Special Exception master plan.
2. A complete application for Development Plan review shall be submitted within 180 days of Special Exception approval. Approval by the Development Review Committee (DRC) shall be required within one year of Special Exception approval.
3. The applicant shall provide, at the time of development plan review, current copies of their FFWCC required license(s); including the "License to Possess Class III Wildlife for Exhibition or Public Sale" (ESC), and if venomous reptiles are sold, the "License to Possess or Exhibit Venomous Reptiles and/or Reptiles of Concern" (VRC).
4. At final development plan review, a ground-truth survey for potential GT burrows located within the proposed footprint and adjacent cleared areas that may be proposed for stockpiling building materials, staging construction equipment and access driveway associated with the construction of the Animal Production Building and, if applicable, associated parking and stormwater facilities shall be provided. The gopher tortoise survey shall also be required within the 90-day period prior to clearing, earthwork and any related construction activities. If GT burrows are located, appropriate coordination and permit documentation from the Florida Fish and Wildlife Conservation Commission (FFWCC) for temporary containment during construction and/or off-site relocation

permits of GT's shall be required to be provided to Alachua EPD prior to clearing vegetation, grading or filling the associated area.

5. The applicant shall include a plan to correct all existing violations of zoning setback encroachments and include locations of any new or unpermitted structures as part of the development plan application. Remediation for setback encroachments can be addressed through relocation of existing buildings or purchase of additional property to increase property areas to allow appropriate setback distances from the existing unpermitted structures. Once the development plan is approved by the DRC, the applicant shall have a time period not to exceed twelve (12) months to obtain all necessary permits and inspections required to execute this remediation plan and provide proof of such compliance to Alachua County Codes Administration. Failure to comply with these timeframes shall result in revocation of this special exception.

Bases

1. Policy 6.1.5 of the Future Land Use Element states *Agricultural pursuits shall be allowed in all land use classifications, provided that the health, safety and welfare of the general public and the protection of the natural environment are assured.*

The applicant is requesting a special exception for commercial animal raising in the A zoning district. Policy 6.1.5 states that agricultural pursuits are allowed in all land use classifications. The provision for commercial animal raising is appropriate in this land use classification and zoning district as the large lot size allows for this use with minimal impact to surrounding uses. The health, safety and welfare of the public will not be compromised by this request as conditioned in the special exception approval.

2. Policy 3.4.1 of the Conservation and Open Space Element of the Comprehensive Plan requires all zoning applications to submit an inventory of natural resource information. The applicant submitted an Environmental Resource Assessment checklist as part of this submittal that was reviewed by the Environmental Protection Department. Upon review, the proposed special exception for commercial animal raising was found to be consistent with the protection of natural resources. EPD staff have proposed additional conditions to ensure protection of potential gopher tortoise burrows on the site.

3. Sec. 402.113. - Criteria for approval.

The BOCC shall, as part of a decision to approve an application for special exception, make a finding that an application complies with both the general criteria and the review factors listed below.

(a) The proposed use is consistent with the Comprehensive Plan and ULDC;

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(b) The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

The area surrounding the parcels is made up of large lot residences and agricultural operations. The proposed special exception is not distinguishable from these and does not generate any more traffic (maximum 8-10 employees per day plus no commercial traffic) as these surrounding uses. The operation is indistinguishable from other agricultural-type operations in the area.

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(1) Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe;

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Minimal traffic is generated by the proposed use, which is for commercial animal raising. On-site parking can be accommodated without significant site improvements and is sufficient for existing staff and on-site residents.

(3) The noise, glare, or odor effects of the special exception on surrounding properties;

The operation does not contribute any noise, glare or odors detectible from the exterior of the structures. Given the overall parcel size (7 acres), impacts to surrounding properties is minimal.

(4) Refuse and service areas, with particular reference to location, screening, and Items (1) and (2);

A single dumpster is located on-site. Service areas are those consistent with small commercial/industrial buildings and are not out of character with agricultural operations in the area.

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(8) Required yards and other greenspace;

Site plan approval shall be required to show required yards and open space consistent with the Alachua County ULDC

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