

**RESOLUTION Z-23-01**

*A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR A SPECIAL EXCEPTION TO PERMIT COMMERCIAL ANIMAL RAISING ON APPROXIMATELY 7 ACRES IN THE 'A' (AGRICULTURE) ZONING DISTRICT WITH A RURAL/AGRICULTURE LAND USE DESIGNATION (ONE DWELLING UNIT PER 5 ACRES) ON PARCELS 04712-004-000 AND 04712-004-001 LOCATED AT 13916 SW ARCHER ROAD*

WHEREAS, Zoning Application Z22-000013, a request by Byron Flagg, agent, for Eugene Bessette, owner, for a special exception to permit commercial animal raising on approximately 7 acres in the 'A' (Agriculture) zoning district with a Rural/Agriculture land use designation (one dwelling unit per 5 acres) on parcels 04712-004-000 and 04712-004-001 located at 13916 SW Archer Road has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of May 17, 2023 and;

WHEREAS, the Alachua County Board of County Commissioners considered this zoning item at its regular meeting of June 13, 2023;

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

Zoning Application Z22-000013, a request by Byron Flagg, agent, for Eugene Bessette, owner, for a special exception to permit commercial animal raising on approximately 7 acres in the 'A' (Agriculture) zoning district with a Rural/Agriculture land use designation (one dwelling unit per 5 acres) on parcels 04712-004-000 and 04712-004-001 located at 13916 SW Archer Road., as summarized in the attached exhibit, is hereby approved with the following conditions and bases:

## **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;

*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 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.*

(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;

*Site 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.*

DULY ADOPTED in regular session this 13<sup>th</sup> day in June, A.D., 2023

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

---

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

### BESSETTE LEGAL DESCRIPTION (PARCEL A & PARCEL B)

LAND DESCRIPTION: (PER BOUNDARY SURVEY PREPARED FOR EUGENE BASSETTE BY J.W. BROWN INC. LAND SURVEYOR; REVISED: JULY 21, 1987)

PARCEL A:

A PARCEL OF LAND SITUATED IN FRACTIONAL SECTION 10 LOCATED IN THE ARREDONDO GRANT, TOWNSHIP 11 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF THE FRACTIONAL SECTION 10; THENCE RUN ALONG THE EAST LINE THEREOF SOUTH 00°38'46" EAST, A DISTANCE OF 920.88 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 24; THENCE RUN ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 49°07'01" WEST A DISTANCE OF 760.15 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 49°07'01" WEST, A DISTANCE OF 440.32 FEET; THENCE RUN NORTH 01°14'41" WEST, A DISTANCE OF 889.00 FEET; THENCE RUN NORTH 89°29'19" EAST, A DISTANCE OF 460.00 FEET; THENCE RUN SOUTH 02°19'50" WEST, A DISTANCE OF 90.52 FEET; THENCE RUN NORTH 87°40'10" WEST, A DISTANCE OF 265.09 FEET; THENCE RUN SOUTH 02°19'50" WEST, A DISTANCE OF 165.00 FEET; THENCE RUN SOUTH 87°40'10" EAST, A DISTANCE OF 182.00 FEET; THENCE RUN SOUTH 02°19'50" WEST, A DISTANCE OF 353.05 FEET TO THE POINT OF BEGINNING, CONTAINING 5.55 ACRES ±.

PARCEL B:

A PARCEL OF LAND SITUATED IN FRACTIONAL SECTION 10 LOCATED IN THE ARREDONDO GRANT, TOWNSHIP 11 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF THE FRACTIONAL SECTION 10; THENCE RUN ALONG THE EAST LINE THEREOF SOUTH 00°38'46" EAST, A DISTANCE OF 920.88 FEET TO AN INTERSECTION WITH THE NORTHERLY RIGHT OF WAY LINE OF STATE ROAD NO. 24; THENCE RUN ALONG SAID NORTHERLY RIGHT OF WAY LINE SOUTH 49°07'01" WEST A DISTANCE OF 646.15 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE SOUTH 49°07'01" WEST, A DISTANCE OF 114.00 FEET; THENCE RUN NORTH 02°19'50" EAST, A DISTANCE OF 353.05 FEET; THENCE NORTH 87°40'10" WEST, A DISTANCE OF 182.00 FEET; THENCE NORTH 02°19'50" EAST, A DISTANCE OF 165.00 FEET; THENCE RUN SOUTH 87°40'10" EAST, A DISTANCE OF 265.09 FEET; THENCE RUN SOUTH 02°19'50" WEST, A DISTANCE OF 440.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1.60 ACRES MORE OR LESS.