



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

## **Application Z22-00008**

### **Application Details**

#### **Staff Contact**

Mehdi J. Benkhatar

#### **Staff Phone Number**

352-374-5249 ext. 5261

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

January 17, 2024

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

February 27, 2024

#### **Requested Action**

A request for a special exception to allow a child care center as an accessory use at a location with an existing place of worship.

#### **Property Owner**

First Assembly Faith Fellowship, Inc.

#### **Property Description**

Address: 2303 SE 27<sup>th</sup> St.

Parcel Numbers: 16134-053-000

Section/Township/Range: 11/10/20

Future Land Use: Low Density Residential (1 to 4 dwelling units/acre)

Zoning: R-1c

Acreage: 4.7

## Previous Requests

(ZOM-01-21) A request by FAFF, Inc. and Willie L. Jones, owner and agent, to rezone from 'R-1a' (Single Family Residential) district to 'R-1c' (Single Family Residential) **APPROVED**

## Zoning Violation History

- **CE2012010005**- Placing mobile/modular home sections on the property without first obtaining the required building permit(s)
- **CE2019040026**- Prohibited signs
- **23-015073**- Improvement to property prior to issuance of a building permit

## Applicant

Willie L. Jones, Sr. and Sharon Jones

## Project Timeline

- Submitted: December 22, 2022
- Staff Report Distributed: January 11, 2024
- Planning Commission Hearing: January 17, 2024

## Staff Recommendation

Staff recommends that the Board of County Commissioners **approve Z22-000008** with the conditions and bases as listed in the staff report.

## Planning Commission Recommendation

The Planning Commission recommend (8-0) that the Board of County Commissioners **approve Z22-000008** with the conditions and bases as listed in the staff report, with the exception of amending the hours of operation in Condition #3 to 6am-8pm.

*Following the Planning Commission meeting on 1/17/24, staff amended its recommendation for the hours of operation (Condition #3) to be consistent with the Planning Commission recommendation. Staff's previous recommendation was from 6am-7pm.*

## Background



*Figure 1: Aerial image of site*

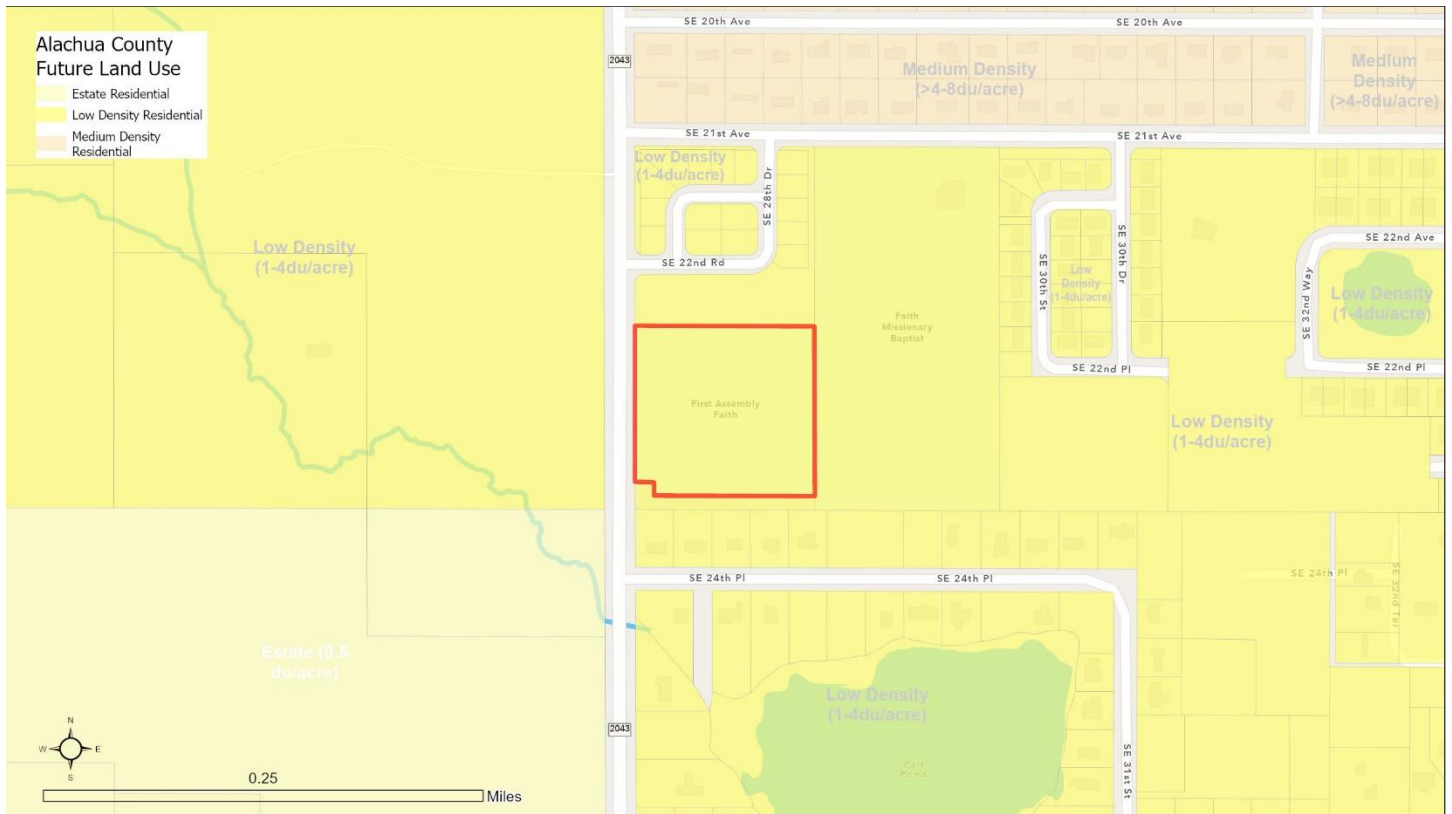


Figure 2: Future Land Use Map

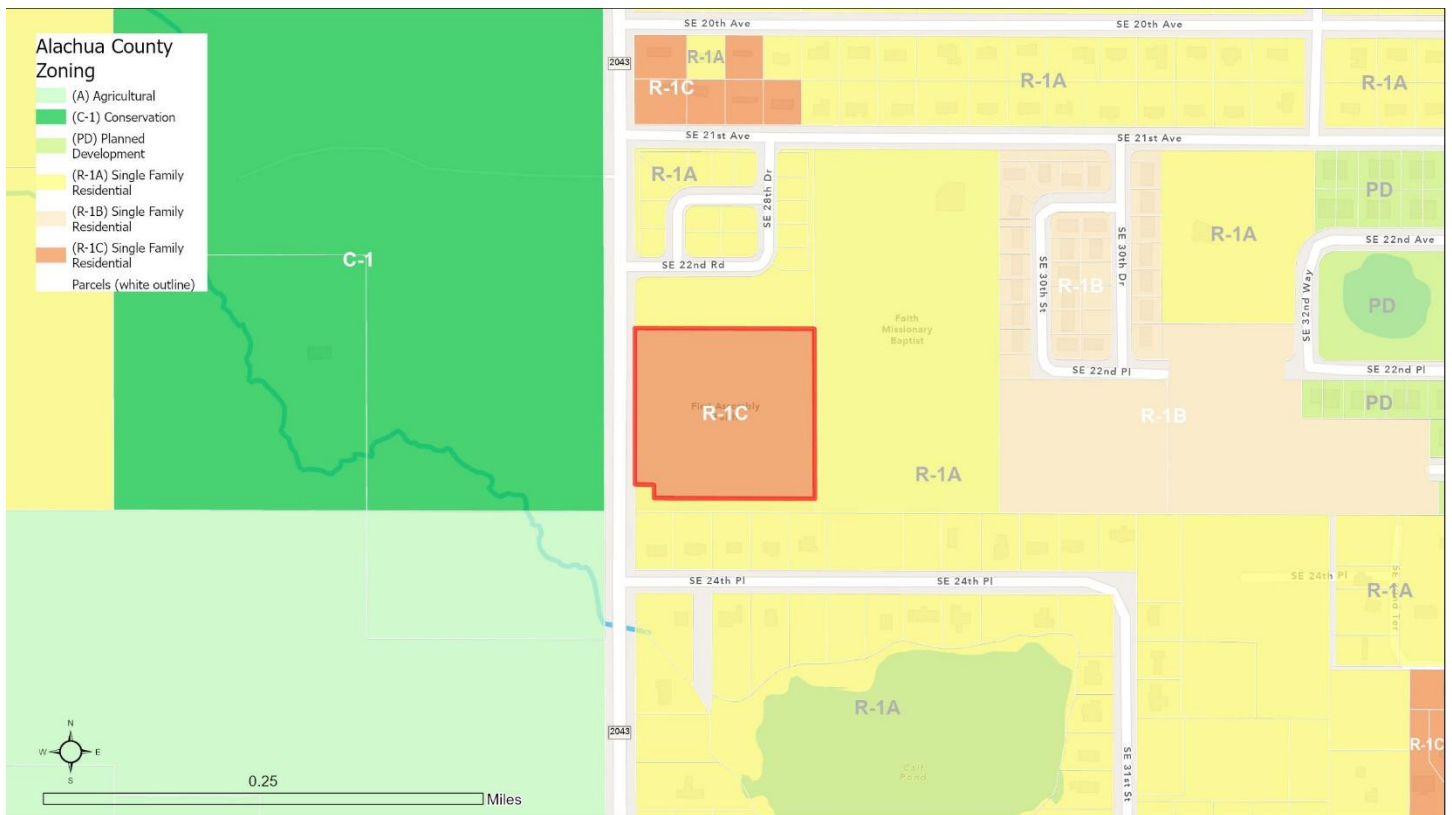


Figure 3: Zoning Map

This application is a request for a special exception to allow a child care center at a location with an existing place of worship (the First Assembly Faith Fellowship).

### **Site Description**

The site is on SE 27<sup>th</sup> St. in the southeastern portion of the Urban Cluster and is the location of the existing First Assembly Faith Fellowship church. A prior rezoning request in 2021 rezoned this property from 'R-1a' (Single Family Residential) district to 'R-1c' (Single Family Residential). The church is in a wood frame building; a mobile home for the parsonage was added in 2021.

To the north of the site is the Lana's Place residential subdivision with a future land use designation of Low Density Residential (1 to 4 dwelling units/acre) and R-1a zoning. The portion of the subdivision abutting this site contains the open space/common area of the subdivision.

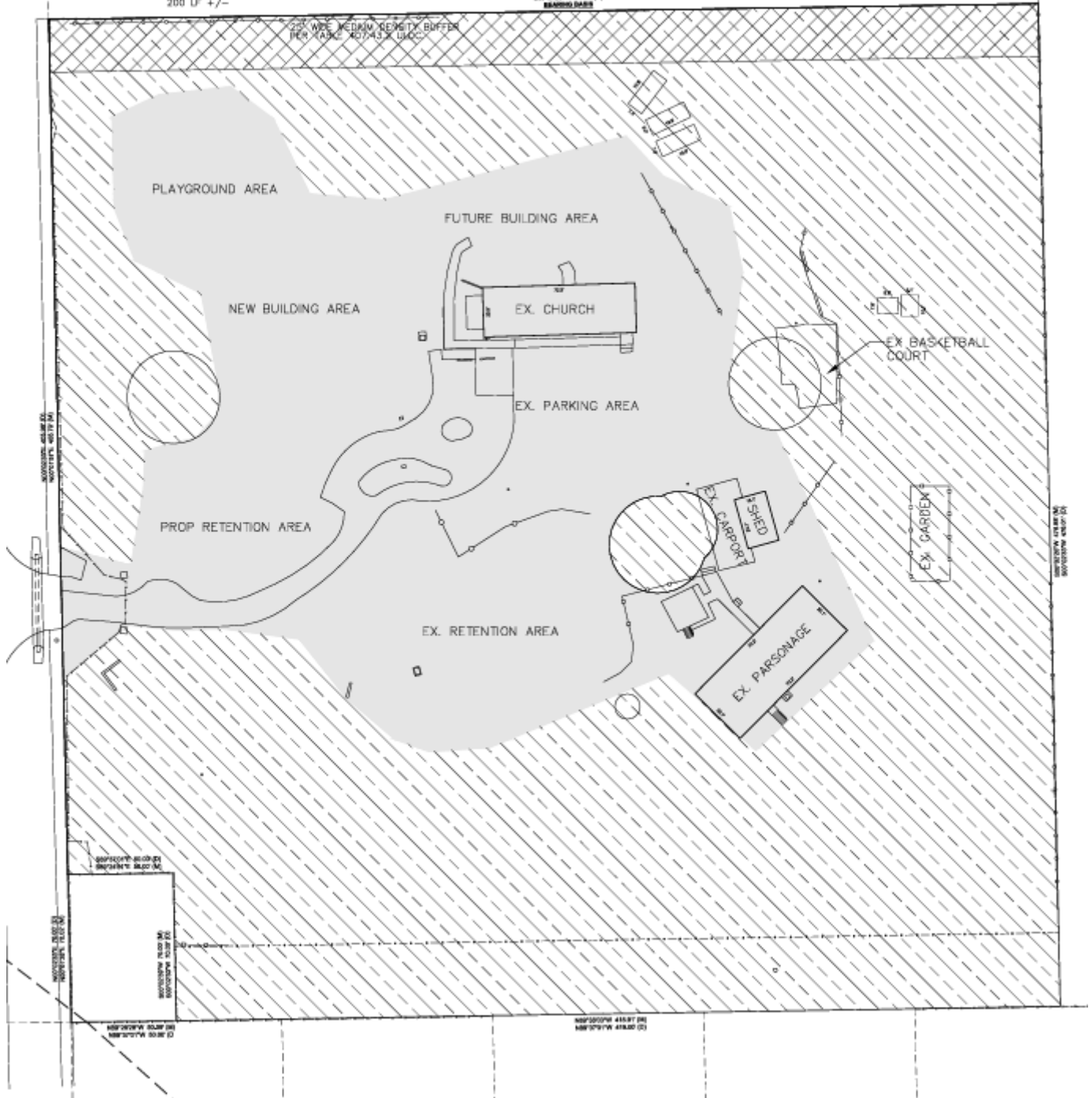
To the east of the site lies the Faith Missionary Baptist church with a future land use designation of Low Density Residential (1 to 4 dwelling units/acre) and R-1a zoning. The portion of that parcel abutting this site is undeveloped.

To the south of the site is a Gainesville Regional Utilities (GRU) utility easement. Further south is the Lakeview Estates subdivision with a future land use designation of Low Density Residential (1 to 4 dwelling units/acre) and R-1a zoning. The lots adjacent to the site are approximately 1/3 acre in size.

To the west of the site is a large parcel with a future land use designation of Low Density Residential (1 to 4 dwelling units/acre) and Conservation (C-1) zoning.

LANA'S PLACE SUBDIVISION (PLAT BOOK 26, PAGES 87-88) OPEN SPACE & COMMON AREA  
S60173076 48S12 03  
S60173076 48S20 06  
BRAINING PARK

25% WIDE MEDIAN DENSITY BUFFER  
PER TABLE 407.43, UBC



6

## **Consistency with Comprehensive Plan**

**Policy 5.1.2 of the Future Land Use Element** provides broad definitions for institutional uses. Specifically, Policy 5.1.2(a) identifies day care centers as an institutional use. Institutional uses may be located in a wide range of land use categories, including Low Density Residential (1 to 4 dwelling units/acre).

**Policy 5.3.9 of the Future Land Use Element** states *Day care centers shall be allowable uses in Medium Density, Medium-High Density, and High Density Residential, Institutional, Office, Commercial, Light Industrial, and Industrial, within specific zoning districts subject to performance criteria in the land development regulations. **Day care centers may be allowed through the development review process in other land use categories as specified in the land development regulations.***

The Unified Land Development Code specifies that child care centers may be allowed in the R-1c zoning district (which implements the Low Density Residential land use category) by means of a special exception when accessory to an existing place of worship.

## **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 special exception is consistent with the goals, objectives, policies and adopted maps of the Comprehensive Plan. The parcel has a future land use designation of Low Density Residential (1 to 4 dwelling units/acre) and R-1c (single-family residential) zoning. Child care centers are allowed in this zoning district by means of a special exception when they are an accessory use to a place of worship.**

- 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 lies within the Urban Cluster and is in the potable water and wastewater service areas of Gainesville Regional Utilities (GRU).**

- 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 single-family residences, a subdivision and a church. 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 special exception, if approved, will not result in an increase of residential density. The purpose of this request is to allow the owner to operate a child care center that is accessory to the existing place of worship on the property.**

## **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***

Based on the 60 students allowed by this Special Exception, the Trip Generation Manual from the Institute of Traffic Engineers estimates the child care facility will generate approximately 261 additional daily trips on the County's existing transportation network. There is sufficient capacity within the County's East Mobility District to accommodate the anticipated development. The development will mitigate its impacts on the County's transportation network through the County's recently adopted mobility fee.

### ***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 lies within the Urban Cluster and is in the potable water and wastewater service areas of Gainesville Regional Utilities (GRU).

### ***Drainage***

**Policy 1.2.4 of the Capital Improvements Element** states that the minimum drainage LOS standard for nonresidential development requires a floor elevation of one (1) foot above the 100-year/24-hour storm elevation, or flood resistant construction. Any development at this site will be required to meet this standard at the time of final Development Review Committee (DRC) approval.

### ***Emergency Services***

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

- Initial unit response within 6 minutes for 80% of all responses within 12 months.
- Fire protection service level of ISO (Insurance Service Office) Class Protection 6 or better.
- Development shall provide adequate water supply for fire suppression and protection and fire service compliant fire connections.

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

### ***Recreation***

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

## **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 of a child care center is consistent with the Comprehensive Plan and ULDC. Sec. 404.31 of the ULDC states:**

**Within the A, A-RB, RE, RE-1, R-1aa, R-1a, and R-1c districts, child care centers are only allowed by special exception and must be accessory to government buildings**

or facilities, civic organizations, *places of worship*, or hospitals. The site is located in the R-1c zoning district and is accessory to a place of worship. The applicant has applied for a special exception to meet this requirement.

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

**The existing land use pattern consists of low density, single family residential uses and a church to the north, east and south, and larger lot residential parcels with C-1 and Agriculture zoning to the west, across SE 27<sup>th</sup> St. The subject site and all adjoining parcels have single-family residential zoning (R-1a or R-1c) and a future land use designation of Low Density Residential (1 to 4 dwelling units/acre).**

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

**With the conditions as recommended by staff, the proposed use should not adversely affect the health, safety or welfare of the public.**

(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;

**Proposed ingress and egress from the property is from SE 27<sup>th</sup> St. A vehicular circulation plan will be submitted as part of the development review process.**

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

**Existing off-street parking and loading areas for the church on site will be used for the child care center. The child care center will be operating as an accessory use to this place of worship.**

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

**Staff does not anticipate noise, glare or odor effects from the proposed child care center to impact surrounding properties. A 50-ft. setback has been required for all**

**outdoor stationary playground equipment from abutting residential properties. Staff has also proposed limiting the hours of operation from 6am-8pm.**

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

**The site has existing refuse disposal service areas, which we will be used by the day care facility.**

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

**The site is located within the Urban Cluster and is served by centralized water and sewer lines from Gainesville Regional Utilities (GRU).**

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

**A 25-ft medium density buffer was required as part of the 2012 approval for the existing church along the northern property boundary. This buffer will remain.**

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

**The applicant has not stated that any signage beyond that already located at the site will be used. Any signs, if proposed, shall meet the Alachua County sign ordinance. The applicant is not proposing any exterior lighting beyond what is required for safety purposes. Outdoor lighting is expected to be consistent with surrounding residential uses.**

(8) Required yards and other greenspace;

**The site will be required to keep building setbacks as required by the R-1c zoning district as well as those specified in Sec. 404.31 of the ULDC. A 25' medium density landscaping buffer will be required along the northern property boundary. Additionally, a wetland buffer is required from the southwest corner of the parcel.**

(9) General compatibility with surrounding properties; and

**The proposed child care center is compatible with surrounding properties. The center is associated with an existing place of worship. Surrounding properties include single-family residences and a church. Similar land use and zoning exist for properties to the north, east and south.**

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

**The application complies with the requirements set for childcare centers as set in Sec. 404.31 of the ULDC. The following section of the staff report details compliance.**

**Sec. 404.31. - Adult or child care centers.**

Adult or child care centers, as defined by F.S. Ch. 402 and F.S. Ch. 429, are allowed as limited uses in the R-1b, R-2, R-2a, R-3, RP, AP, BP, HM, BR, BR-1, BH, BA, BA-1, BW, ML, MS, MP, and MB districts and in traditional neighborhood and TODs, subject to the following standards. Within the A, A-RB, RE, RE-1, R-1aa, R-1a, and R-1c districts, child care centers are only allowed by special exception and must be accessory to government buildings or facilities, civic organizations, places of worship, or hospitals. All adult or child care centers are subject to the following standards.

*(a) Standards for all adult or child care centers.*

*(1) Licensing.* An adult day care center or child care facility shall be licensed in accordance with Florida Statutes.

**Staff has included a condition that the proposed child care facility be licensed in accordance with Florida Statutes.**

*(2) Vehicle circulation.* In addition to the requirements of Chapter 402, Article II, an applicant for a child care center shall provide a vehicular circulation plan showing onsite queuing and circulation based upon the location and number of patrons that utilize the facility.

**As part of the development plan approval process, a vehicle circulation plan will be analyzed to ensure adequate onsite queuing and circulation based on the number of children at the facility.**

*(3) Recreational facilities.* Outdoor recreational facilities shall be located in the rear yard for child care centers within residential zoning districts.

**As shown on the conceptual plan, outdoor recreational facilities are located within the rear yard.**

*(4) Landscaping.* In addition to the landscaping requirements of Article IV of Chapter 407, one (1) additional shade tree per one thousand (1,000) square feet of outdoor play or activity area shall be installed.

**This requirement will be addressed as part of the development plan approval process when the actual size of the outdoor play area is determined.**

(5)*Setbacks from residential.* All stationary play equipment, dumpsters, garbage cans or recycling bins, and similar equipment shall be located at least fifty (50) feet from any abutting residential property line and 25 feet from any abutting multi-family residential property.

**This requirement will be addressed as part of the development plan approval process when the actual size of the outdoor play and refuse areas are determined. From the conceptual plan it appears that there is adequate space to comply with this requirement.**

(6)*Hours of operation.* Unless otherwise approved as part of a special exception, adult or child care centers within residential areas shall not operate between the hours of 7:00 p.m. and 6:00 a.m.

**Staff has proposed a condition limiting the hours of operation from 6am-8pm.**

(7)*Parking.* Parking areas for adult or child care centers that are located within the single-family residential districts shall be located to the side or rear of the principal building. Parking areas for child care centers located within traditional neighborhood or TODs must meet all requirements of Chapter 407, Article VII, Traditional Neighborhood and TODs.

**This requirement will be addressed as part of the development plan approval process.**

(b)*Additional standards for adult or child care centers approved by special exception.*

(1)*Maximum building size.* The maximum size of the adult or child care center shall be conditioned as part of the special exception based on the size of the principal use, lot size, and compatibility with surrounding uses.

**Staff has proposed a condition limiting the maximum sq. ft. of the child care center use to 4,800 sq. ft.**

## Staff Recommendation

Staff recommends that the Board of County Commissioners **approve Z22-000008** with the conditions and bases as listed in the staff report.

## Conditions

1. This special exception shall allow a child care center as a use that is accessory to the existing church on parcel 16134-053-000. In the event that the church is no longer operating, the child care center shall cease operation.
2. The total maximum size of buildings for the child care center shall be 4,800 sq. ft.
3. The hours of operation for the child care center shall be limited to 6am-8pm.
4. A 50-ft setback shall be required for all outdoor stationary playground equipment, dumpsters, garbage cans or recycling bins.
5. A development plan, covering the entirety of parcel 16134-053-000, shall be approved prior to the opening of the child care center. Any change of use of existing buildings and all future buildings on the site shall be labeled on an approved development plan according to their use.
6. Future changes to the site shall comply with applicable regulations in the County's Unified Land Development Code (ULDC).
7. The child care center shall be licensed in accordance with Florida Statutes.

## Bases

1. Child care centers are allowed as an accessory use for places of worship when located within the R-1c zoning district, by means of a special exception. The applicant has applied for this special exception to comply with **Sec. 404.31 of the Unified Land Development Code (ULDC)**.
2. **Sec. 404.31 of the ULDC** provides standards for all child care centers. As conditioned by staff, the special exception will comply with these standards, namely:
  - Licensure
  - Maximum building size for the child care center
  - Hours of operation



- Setbacks and location of playground equipment and dumpsters
- Vehicle circulation/parking
- Landscaping

3. **Sec. 402.113 of the ULDC** provides approval criteria for special exceptions. Staff has reviewed the application and found the proposed use consistent with the Comprehensive Plan and ULDC. The proposed use is compatible with the existing land use pattern of low-density residential uses and another adjacent church. The child care center will help serve the existing place of worship on site as an accessory use. Staff has not found any likely adverse effects to public health, safety or welfare that would result from this special exception approval as conditioned. Satisfactory provisions have been made related to ingress/egress to the property. Staff has proposed conditions on hours of operation and location of dumpsters to address any noise, glare and odor effects. Landscaping requirements will be addressed as part of the development plan review process. A maximum square footage has been established at 4,800 sq. ft. for the child care center use.
4. **Policy 7.1.2 of the Future Land Use Element** states that proposed changes to the zoning map shall be considered in light of the availability and capacity of public facilities required to serve development, as well as the relationship of the proposed development to existing development in the vicinity. The facility has direct access to a collector road (SE 27<sup>th</sup> St.) that has existing capacity remaining. The use of the site for the purpose of a child care center will not impact emergency services, school capacity, or other levels of service within Alachua County. Surrounding land uses include single family residences and another place of worship. The subject property has a future land use designation Low Density Residential (1 to 4 dwelling units/acre), which allows for institutional uses as set forth in the Comprehensive Plan. The child care center facility is expected to be contained within two future buildings with a total maximum square footage of 4,800 sq. ft. Its impact will thus not be out of character with the area. The child care center shall be required to maintain a medium density landscaping buffer along the northern property boundary which includes screening in order to minimize any possible additional noise or visual impacts. Traffic impacts will be minimal and will consist of drop-off and pick-up periods in the morning and afternoon. The request complies with all required setbacks of this proposed use. The proposed facility will thus have a

minimal impact on the surrounding uses and the request is therefore consistent with Policy 7.1.2 of the FLUE.

## **Staff and Agency Comments**

### **Department of Environmental Protection**

No comment

### **Department of Public Works**

No comment

### **Transportation**

No comment