

RESOLUTION Z-14-4

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA TO REZONE FROM A 'A' (AGRICULTURAL) DISTRICT TO 'AP' (ADMINISTRATIVE AND PROFESSIONAL) ON APPROXIMATELY 6.7 ACRES WITH A LAND USE DESIGNATION OF OFFICE LOCATED AT 113 NW 145TH TERRACE ON TAX PARCEL NUMBER 04306-001-001

WHEREAS, Zoning Application ZOM-02-14 has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of April 16, 2014; and

WHEREAS, Alachua County Board of County Commissioners considered this zoning item at its regular meeting of May 13, 2014;

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

Zoning Application ZOM-02-14, a request by Eng, Denman & Associates, agent for Forest Meadows Funeral Home & Cemeteries, Inc., owner, to rezone from the 'A' (Agricultural) to 'AP' (Administrative and Professional) district on approximately 6.7 acres with a land use designation of Institutional, located at 113 NW 145th Terrace on tax parcel number 04306-001-001 as summarized in Exhibit A in this resolution, is hereby approved with the following conditions and bases:

Conditions

1. Special use permit ZOS-02-14 is issued to allow a cemetery on parcels 04296-002-001, 4296-002-000, 4306-001-000 and 4305-001-000.

Bases

1. Policy 5.1.1 of the Future Land Use Element (Institutional Uses) states that *Potential locations for major future institutional uses are identified on the Future Land Use Maps. Institutional uses may be allowed in other land use categories designated on the Future Land Use Map, and implemented in accordance with the guidance and policies within this Section 5.0., and within the Comprehensive Plan as a whole.* Policy 5.1.2(e) identifies cemeteries as an institutional use. The proposed cemetery is thus allowed by special use permit in this institutional land use category.

2. Policy 5.2.1 provides location criteria for institutional uses. *The following criteria shall determine the appropriateness of potential institutional locations and uses requiring special use permits shall be demonstrated prior to establishing the institutional use:*

- a. *Optimum service area.*
- b. *Optimum operating size.*
- c. *Access to clientele.*
- d. *Compatibility of the scale and intensity of the use in relationship to surrounding uses, taking into account impacts such as, noise, lighting, visual effect, traffic generation, odors.*

- e. *Nature of service provision.*
- f. *Needs of the clientele.*
- g. *Availability and adequacy of public infrastructure to serve the particular use.*
- h. *Preservation and strengthening of community and neighborhood character through design.*
- i. *Consistency with the goals, objectives, and policies of the Conservation and Open Space Element.*

The proposed cemetery is an existing facility located on NW 143rd Street. It is an existing facility that, given its nature, does not generate significant traffic, noise, or other adverse impacts. Forest Meadows is a long established cemetery that has been in operation for many years. Infrastructure needs are minimal. The property does not contain environmentally sensitive resources and is consistent with the goals, objectives and policies of the COSE. It is therefore consistent with the Institutional provisions found in the Future Land Use Element of the Plan.

3. Policy 5.7.1 states that cemeteries may be permitted in all land use categories on the Future Land Use Map through the special use permitting process subject to certain performance criteria. The Forest Meadows Cemetery has adequate access from NW 143rd Street and meets all performance criteria regarding parking, buffering, access and other performance criteria as identified in the Plan.

4. Policy 7.1.2 of the Future land Use Element states that *Proposed changes in the zoning map shall consider:*

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

Comprehensive 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.

c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice and redevelopment opportunities.*

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.*

As shown in the LOS section of this report, the impacts to public facilities are very limited. The nature of the facility (a cemetery) means that there are limited impacts to public infrastructure. The facility has been located at this site for many years and is fully integrated into the surrounding community. It causes no adverse impacts such as noise, odor or glare and indeed provides a transition from the office/commercial development to the south and residential development to the north.

5. Any Special Use Permit is required to demonstrate that it complies with the general criteria identified in Section 402.124 of the ULDC. These criteria are:

- a. *the proposed use is consistent with the Comprehensive Plan and ULDC;*
- b. *the proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;*
- c. *the proposed use shall not adversely affect the health, safety, and welfare of the public; and*
- 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;*
 2. *off-street parking and loading areas where required, with particular attention to item 1 above;*
 3. *the noise, glare or odor effects of the special use permit on surrounding properties;*
 4. *refuse and service areas, with particular reference to location, screening and items 1 and 2 above;*
 5. *Utilities, with reference to location and availability;*
 6. *Screening and buffering with reference to type, dimensions and character;*
 7. *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;*
 8. *Required yards and other open space;*
 9. *General compatibility with surrounding properties; and*
 10. *Any special requirements set forth in this ULDC for the particular use involved.*

As shown in the LOS section of this report, the impacts to public facilities are very limited. There is existing ingress and egress to the site off of NW 143rd Street, a paved county facility. No generation of odors, noise or glare will result from this request.

Adequate parking is available on the site and existing natural buffering exists between the proposed use and surrounding uses. The site contains existing signage that conforms to the Alachua County sign code.

The proposed use is compatible with existing development and land use patterns in that it is a well established use that existed prior to the majority of development in the Jonesville area. It does not impact surrounding residential or commercial development and indeed acts as a buffer between those two uses on the west side of NW 143rd Street.

The proposed use is consistent with the provisions of both the Comprehensive Plan and the ULDC and will not cause an adverse impact to the public health, safety or welfare.

DULY ADOPTED in regular session this 13th day in May, A.D., 2014.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____

Lee Pinkoson, Chair

ATTEST:

J. K. Irby, Clerk

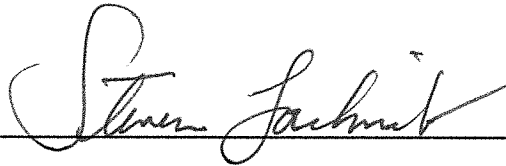
APPROVED AS TO FORM

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS



Department of Growth Management

Authorized Designee

EXHIBIT A

LEGAL DESCRIPTION

TAX PARCEL 04306-001-001

(OFFICIAL RECORDS BOOK 1956, PAGE 779, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA)

A PARCEL OF LAND SITUATED IN FRACTIONAL SECTION 34 (OUTSIDE OF ARREDONDO GRANT), TOWNSHIP 9 SOUTH, RANGE 18 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE NORTHEAST CORNER OF SAID FRACTIONAL SECTION 34; THENCE RUN SOUTH 00 DEG. 00 MIN. 17 SEC. WEST, ALONG THE WEST LINE OF SAID ARREDONDO GRANT AND THE CENTERLINE OF STATE ROAD NO. S-241, A DISTANCE OF 3365.80 FEET; THENCE RUN NORTH 88 DEG. 55 MIN. 47 SEC. WEST, A DISTANCE OF 40.00 FEET TO THE WEST RIGHT OF WAY LINE OF STATE ROAD NO. S-241 AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 88 DEG. 55 MIN. 47 SEC. WEST, A DISTANCE OF 760.00 FEET; THENCE RUN SOUTH 00 DEG. 00 MIN. 17 SEC. WEST, A DISTANCE OF 384.00 FEET; THENCE RUN SOUTH 88 DEG. 55 MIN. 47 SEC. EAST, A DISTANCE OF 760.00 FEET TO THE AFOREMENTIONED WEST RIGHT OF WAY LINE OF STATE ROAD NO. S-241; THENCE RUN NORTH 00 DEG. 00 MIN. 17 SEC. EAST, ALONG THE SAID WEST RIGHT OF WAY LINE, A DISTANCE OF 384.00 FEET TO THE POINT OF BEGINNING. CONTAINING 6.699 ACRES, MORE OR LESS.

