

RESOLUTION Z-15-12

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR A MINOR AMENDMENT TO A SPECIAL EXCEPTION TO ALLOW A WOOD PROCESSING FACILITY IN AN 'A' (AGRICULTURE) ZONING DISTRICT ON APPROXIMATELY 17.13 ACRES WITH A RURAL/AGRICULTURE LAND USE DESIGNATION LOCATED AT 106 SW 109TH PLACE ON PORTIONS OF TAX PARCEL NUMBERS 16305-000-000 AND 16305-001-001.

WHEREAS, Zoning Application ZOX-03-15 has been duly filed and was considered by the Alachua County Board of County Commissioners at its regular meeting of July 14, 2015;

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

Zoning Application ZOX-03-15, a minor amendment to a special exception (ZOX-02-15, Resolution Z-15-09) allowing a wood processing facility in an 'A' (Agriculture) zoning district on approximately 17.13 acres with a Rural/Agriculture Future Land Use designation, located at 106 SW 109th Place on portions of tax parcel numbers 16305-000-000 and 16305-001-001 as summarized in Exhibit A in this resolution, is hereby approved with the following conditions and bases:

Conditions

1. This special exception is granted for a wood processing and fabrication operation on approximately 17.13 acres on portions of parcel numbers 16305-000-000 and 16305-001-001 in accordance with the attached special exception plan.

2. Operation shall be limited to the hours of 7:00 am to 5:00 pm.
3. Equipment at the facility shall be powered by electric power (not internal combustion engines).
4. Maximum development on the site for permitted structures shall be 55,000 square feet. All structures, buildings and storage of wood shall be located outside of the required setbacks found in the 'A' (Agriculture) zoning district.
5. All wood and milled material processed for use in the construction of structures requiring building permits shall meet the standards of the applicable local and state building codes.
6. Development Plan Review shall be required.
7. Access to the wood processing facility is allowed via SW 109th Place.
8. The applicant shall comply with all federal, state and local laws, rules, regulations, and ordinances, now and hereafter in force, which may be applicable to the use of the site. The applicant shall obtain all necessary permits required by local, state, or federal agencies for the operation of this facility.

9. Violation of any of the terms and conditions of the special exception shall be grounds for suspension or revocation by the Board of County Commissioners.

Bases

The Goodwin site lies in an area with a Rural/Agricultural land use designation.

Policies in the Comprehensive Plan (hereafter referred to as the **Plan**) address limited wood-based industrial uses in the Rural Agricultural land use designation.

1. Per **Policy 6.1.8** of the Future Land Use Element of the Plan, the proposed special exception takes into account compatibility with surrounding uses through the provision for limited hours of operation, buffers and setbacks as provided in the ULDC, provision for a management plan to protect natural resources adjacent to the site, odor and noise controls through the use of certain types of machinery and dust abatement technology as well as the provision of adequate ingress/egress via a maintained private road and on-site parking. The applicant has successfully operated from this site since 1976 under a previous special use permit with no record of complaint to the Codes Department.

2. **Policy 6.2** of the Future Land Use Element expressly permits limited wood-based industrial operations in the Rural/Agriculture land use designation. The Goodwin facility is a wood-based industrial use that processes recycled wood product and also features manufacturing of engineered wood product consistent with that portion of Policy 6.2 of the FLUE cited above.

3. Policy 7.1.2 of the Future Land Use Element states that *proposed changes to the zoning map shall be considered in light of: consistency with the goals, objectives, policies and adopted maps of the Plan; 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 proposed special exception is consistent with agricultural policies found in the FLUE that permit limited wood-based industrial uses within the Rural/Agricultural land use designation. Public facilities are adequate to serve the operation, which has been in existence since 1976 at this site through a previously issued special use permit. Proposed expansions are limited in scope and do not cause level of service standards as found in the Plan to fall below adopted levels. The Goodwin site is located on approximately 17 acres of property with a Rural/Agricultural land use designation. Surrounding uses are primarily large lot residential or undeveloped property. The continuing operation of the Goodwin Mill at this site will not cause any adverse impacts. Conditions are in place with the special exception that seek to mitigate any potential adverse impacts including provision for limited hours of operation; buffer and setbacks and requiring a conservation management plan for environmental resources located on the site.

4. Section 404.16 of the Unified Land Development Code (ULDC) provides standards for wood-based industrial processing in the Rural/Agricultural land use designation. The language in 404.16 permits wood processing facilities such as the Goodwin operation by special exception in the Agriculture zoning district provided the standards

within that section of the ULDC have been met. The Goodwin property is approximately 17.13 acres in size. Proposed total facility size will exceed the 50,000 square foot threshold but this can be exceeded with Board approval. A condition has been added that would cap this number at 55,000 square feet. The property is accessed via US 441 via a private road that is graded. The applicant, Goodwin Lumber, maintains this road not only for their operation but for the other property owner who access their residences from this road. As shown in their proposed site plan, setbacks and buffers will meet the minimum requirements of the ULDC for this type of operation. The nearest public right-of-way is US 441, which is approximately ¼ mile from the site. Therefore, storage of materials is not an issue for this site. The site is fully compliant with the Florida Fire Prevention Code and an emergency plan for access by fire and EMS vehicles is in place. An operations plan will be submitted as part of development plan review that will address the conditions of 404.16(h). The proposed special exception application will therefore meet all requirements of 404.16 of the ULDC.

5. Section 402.113 of the ULDC states that “the Board of County Commissioners shall, as part of a decision to approve an application for a special exception, make a finding that the application complies with both the general criteria and the review factors” as found in 402.113. The proposed special exception is consistent with Policy 6.1.8, Policy 6.2 as well as Policy 7.1.2 of the FLUE. The request also meets the criteria for granting a special exception as found in 402.113(d) (general criteria for a special exception) of the ULDC. Analysis of Policy 7.1.2 of the FLUE in the Comprehensive

Plan shows that the proposed use is compatible with the existing land use pattern and future land uses designated by the Plan. The Goodwin operation has been in place at this site since 1976. The operator has taken measures to ensure the noise, dust and other adverse effects from this operation do not harm the public health, safety or welfare. This includes the use of dust arrestors as needed conducting operations during daylight hours and not generating noise levels in excess of those normally associated with an agricultural land use. In addition, the site is of sufficient size to mitigate any potential impacts that may arise from the operation. Conditions are in place to locate machinery that may generate noise within structures and that this machinery does not use combustion engines (additional generators of noise and fumes).

6. Section 402.113(d) of the ULDC gives specific criteria for granting a special exception. The Goodwin property is accessed via a private graded road that is maintained by the Goodwins for their benefit as well as the benefit of their neighbors who also use the road. The site has plentiful parking available for both employees and those who may visit the site. Conditions associated with the special exception seek to limit noise, glare and odor impacts through a combination of setbacks and buffering, limited hours of operation and provision for machinery to be electrically powered and located, whenever possible, with structures rather than outside. The Goodwin plant is located ¼ mile off of US 441 North and has been in operation since 1976. It is located on 17 acres of property, thus providing adequate space for storage and processing of materials. There is also adequate opportunity on the site to provide setbacks and buffers sufficient in scope to mitigate adverse impacts, if any, from the operations

there.

The operation is of a nature that it is in keeping with other agriculturally based operations that could occur on the site. No Codes based complaints have been generated by the Goodwin mill and it is not anticipated that the new special exception will create additional impacts to surrounding uses beyond those already in place with regard to either dust or noise (glare has not been identified as a significant issue at this site). The special exception will follow criteria set forth in the ULDC (404.16) for wood-based processing including hours of operation, setbacks and buffer as well as providing for an operations plan for the site.

DULY ADOPTED in regular session this 14th day in July, A.D., 2015.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: _____

Charles S. Chestnut IV, Chair

ATTEST:

J. K. Irby, Clerk

(SEAL)

APPROVED AS TO FORM

Alachua County Attorney

DEPARTMENT APPROVAL

AS TO CORRECTNESS



Department of Growth Management

Authorized Designee

EXHIBIT A

LEGAL DESCRIPTION

PARCEL I (A PORTION OF TAX PARCEL NO. 16305-000-000)

A PARCEL OF LAND BEING SITUATED IN LOT NO. 2 OF THE MOSES E. LEVY GRANT IN TOWNSHIP 11 SOUTH, RANGE 20 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT NO. 2 FOR A POINT OF REFERENCE, THENCE RUN SOUTH 85 DEGREES, 55 MINUTES, 17 SECONDS EAST, ALONG THE SOUTH LINE OF SAID LOT NO. 2, A DISTANCE OF 1319.03 FEET TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1248, PAGE 36 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE NORTH 04 DEGREES, 10 MINUTES, 39 SECONDS EAST, ALONG THE WEST LINE OF THE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1248, PAGE 36, A DISTANCE OF 658.85 FEET TO THE NORTHWEST CORNER OF THE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1248, PAGE 36; THENCE RUN SOUTH 86 DEGREES, 32 MINUTES, 30 SECONDS EAST, ALONG THE NORTH LINE OF THE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1248, PAGE 36, A DISTANCE OF 887.59 FEET; THENCE LEAVING SAID NORTH, LINE SOUTH 00 DEGREES, 38 MINUTES, 19 SECONDS WEST, A DISTANCE OF 171.34 FEET; THENCE SOUTH 46 DEGREES, 02 MINUTES, 00 SECONDS WEST, A DISTANCE OF 133.43 FEET; THENCE NORTH 75 DEGREES, 51 MINUTES, 06 SECONDS WEST, A DISTANCE OF 59.11 FEET; THENCE SOUTH 12 DEGREES, 43 MINUTES, 01 SECONDS WEST, A DISTANCE OF 61.45 FEET; THENCE SOUTH 17 DEGREES, 24 MINUTES, 45 SECONDS WEST, A DISTANCE OF 207.63 FEET; THENCE RUN SOUTH 45 DEGREES, 31 MINUTES, 32 SECONDS EAST, A DISTANCE OF 224.09 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF THE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1248, PAGE 36, SAID LINE ALSO BEING THE SOUTH LINE OF LOT NO. 2 OF THE MOSES E. LEVY GRANT; THENCE RUN NORTH 85 DEGREES, 57 MINUTES, 23 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT NO. 2 AND ALONG THE SOUTH LINE OF THE LANDS DESCRIBED IN SAID OFFICIAL RECORDS BOOK 1248, PAGE 36, A DISTANCE OF 865.10 FEET, MORE OR LESS, TO THE SOUTHWEST CORNER OF THE LANDS DESCRIBED IN OFFICIAL RECORDS BOOK 1248, PAGE 36 OF THE OFFICIAL RECORDS OF ALACHUA COUNTY, FLORIDA AND TO THE POINT OF BEGINNING.

PARCEL II (A PORTION OF TAX PARCEL NO. 16305-001-001)

A PARCEL OF LAND BEING SITUATED IN LOT NO. 2 OF THE MOSES E. LEVY GRANT IN TOWNSHIP 11 SOUTH, RANGE 20 EAST AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE SOUTH 658.85 FEET OF THE FOLLOWING DESCRIBED PARCEL OF LAND:

FOR A POINT OF REFERENCE COMMENCE AT THE SOUTHWEST CORNER OF SAID LOT NO. 2, THENCE RUN SOUTH 85°15'00" EAST ALONG THE SOUTH LINE OF SAID LOT NO. 2, A DISTANCE OF 990.08 FEET, MORE OR LESS, TO A REBAR AND CAP (P.L.S. 4788) AND THE POINT OF BEGINNING; THENCE RUN NORTH 05°05'57" EAST, A DISTANCE OF 1317.81 FEET TO A REBAR AND CAP (P.L.S. 4788); THENCE RUN SOUTH 85°21'49" EAST, A DISTANCE OF 330.06 FEET TO A CONCRETE MONUMENT (NO I.D. - BROKEN TOP); THENCE RUN SOUTH 05°06'18" WEST, A DISTANCE OF 1318.47 FEET TO A REBAR AND CAP (P.L.S. 4788), SAID POINT LYING ON THE AFOREMENTIONED SOUTH LINE OF LOT NO. 2; THENCE RUN NORTH 85°15'00" WEST ALONG SAID SOUTH LINE, A DISTANCE OF 329.92 FEET TO A REBAR AND CAP (P.L.S. 4788) AND THE POINT OF BEGINNING.