



Legislation Text

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Nonconforming Use SW 20th Avenue (B)

Petition PB-09-105 MISC. Ricardo Cavallino, agent for MRA Corporation. A request to change to another non-conforming use in accordance with section 408.12 of the Alachua County Unified Land Development Code for recently annexed property located at 4370 Southwest 20th Avenue. Proposed Use: eating place. Tax parcel no. 06745-002-003.

This is a request to change the use of an empty store front to another non-conforming use in accordance with section 408.12 of the Alachua County Unified Land Development Code. The property is part of a strip commercial center that was recently annexed into the City. The property is located at 4370 Southwest 20th Avenue. The property had previously operated as a mattress store, the mattress store moved out and the owner would like to use the store as an eating place (restaurant). This request is being processed under the County's regulation because the property has not received City land use and zoning.

The proposed use is considered non-conforming because the property has a residential land use designation and a commercial zoning in the County. County Staff has indicated that since the commercial zoning is incompatible with the residential land use the use is nonconforming. Additionally, County Staff has opined that because the use of the building space is changing from a mattress store to an eating place (restaurant), that this is a change in use that could not be approved by County Staff. However, the County code provides a process for requesting a change.

City Staff and the Plan Board reviewed the County criteria for changing a nonconforming use and found that the request meets the county requirements. The Plan Board voted 7-0 to approve the request. If the City Commission approves the request staff will issue the applicant a letter indicating the request has been approved.

None.

City Plan Board recommends the City Commission approve the petition.
Staff to the City Plan Board, approve the petition.