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2009 NW 67th Place, Gainesville, FL 32653-1603 • 352.955.2200

July 5, 2018

Ms. Dianne Hannon  
Secretary to the  
Board of County Commissioners  
Union County  
15 Northeast First Street  
Lake Butler, FL 32054

TRANSMITTED VIA ELECTRONIC MAIL ONLY  
SIGNED ORIGINAL ON FILE

RE: Petition No. V 18-01 (Florida Power and Light Company)

Resolution  
Concerning a Variance

Dear Dianne:

Please find enclosed the above referenced resolution.

The County Attorney should review the resolution as to legal form and sufficiency.

If you have any questions concerning this matter, please do not hesitate to contact Sandra Joseph,  
Senior Planner, at 352.955.2200, ext. 111.

Sincerely,

Scott R. Koons, AICP  
Executive Director

Enclosure

SRK/cf

xc: Russell A. Wade III, County Attorney

RESOLUTION NO. BA/V 18-01

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF UNION COUNTY, FLORIDA, GRANTING A VARIANCE AS AUTHORIZED UNDER SECTION 3.2 OF THE UNION COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED; PROVIDING FOR A VARIANCE AS PROVIDED FOR WITHIN SECTION 4.2.13.4 OF THE UNION COUNTY LAND DEVELOPMENT REGULATIONS, AS AMENDED, TO PERMIT A WAIVER OF THE LANDSCAPE BUFFER REQUIREMENTS FOR A SOLAR FARM ALONG A PORTION OF THE EASTERN BOUNDARY WITHIN AN AGRICULTURAL-2 (A-2) ZONING DISTRICT ON CERTAIN LANDS WITHIN THE UNINCORPORATED AREA OF UNION COUNTY, FLORIDA; REPEALING ALL RESOLUTIONS IN CONFLICT; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Union County Land Development Regulations, as amended, hereinafter referred to as the Land Development Regulations, empowers the Board of County Commissioners of Union County, Florida, serving as the Board of Adjustment of Union County, Florida, hereinafter referred to as the Board of County Commissioners, serving as the Board of Adjustment, to grant, to grant or deny variances as authorized under Section 3.2 of the Land Development Regulations;

WHEREAS, a petition for a variance, as described below, has been filed with the County;

WHEREAS, pursuant to the Land Development Regulations, the Board of County Commissioners, serving as the Board of Adjustment, held the required public hearing, with public notice having been provided, on said petition for a variance, as described below, and considered all comments received during said public hearing concerning said petition for a variance, as described below;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that they are empowered under Section 3.2 of the Land Development Regulations to grant, to grant with appropriate conditions and safeguards or deny a variance, as described below;

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that the granting of said petition for a variance, as described below, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare; and

WHEREAS, the Board of County Commissioners, serving as the Board of Adjustment, has determined and found that:

- (a) Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district;
- (b) Such special conditions and circumstances do not result from the actions of the applicant;
- (c) Granting the variance requested will not confer on the applicant a special privilege that is denied by the Land Development Regulations to other lands, buildings or structures in the same zoning district;
- (d) Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of these land development regulations would not result in unnecessary and undue hardship;

- (e) The variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure; and
- (f) The grant of the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of these land development regulations would not result in unnecessary and undue hardship.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF UNION COUNTY, FLORIDA, SERVING AS THE BOARD OF ADJUSTMENT OF UNION COUNTY, FLORIDA, THAT:

Section 1. Pursuant to a petition, V 18-01, by Florida Power and Light Company, requesting a variance be granted to the requirements of Section 4.2.13.4 of the Land Development Regulations, the Board of Adjustment hereby grants a waiver to the landscape buffer requirements for a solar farm along a portion of the eastern boundary within an AGRICULTURAL-2 zoning district in accordance with a site plan dated May 15, 2018 submitted as part of a petition dated April 20, 2018, to be located on property described, as follows:

A parcel of land lying within Section 33, Township 5 South, Range 20 East, and Sections 3, 4, 9, and 10, Township 6 South, Range 20 East, Union County, Florida. Being more particularly described, as follows: Commence at the Northeast corner of said Section 4 and the Point of Beginning; thence North  $86^{\circ}35'32''$  East 573.97 feet, along the North line of said Section 3 to the Southerly right-of-way line of State Road 100; thence South  $59^{\circ}35'27''$  East 185.77 feet, along the Southerly right-of-way line of said State Road 100 to a Point of Curvature of a curve concave Northeasterly having a radius of 17,248.91 feet, a central angle of  $04^{\circ}41'50''$ , a chord bearing of South  $61^{\circ}56'22''$  East, and a chord distance of 1,413.70 feet; thence Southeasterly along the arc of said curve an arc distance of 1,414.10 feet to a Point of Tangency; thence South  $64^{\circ}17'12''$  East 287.30 feet; thence South  $07^{\circ}20'50''$  West 313.58 feet; thence South  $64^{\circ}42'18''$  East 487.57 feet, to the Westerly right-of-way line of County Road 237; thence South  $07^{\circ}27'08''$  West 46.35 feet, along the Westerly right-of-way line of said County Road 237 to a Point of Curvature of a curve concave Easterly having a radius of 2,331.83 feet, a central angle of  $09^{\circ}00'00''$ , a chord bearing of South  $02^{\circ}57'08''$  West, and a chord distance of 365.91 feet; thence Southerly along said curve an arc distance of 366.28 feet to a Point of Tangency; thence South  $01^{\circ}32'52''$  East 2,163.71 feet; thence South  $01^{\circ}42'13''$  East 5.49 feet to the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 3; thence South  $86^{\circ}11'11''$  West 1,283.16 feet, along the North line of the Southeast 1/4 of the Southwest 1/4 of said Section 3 to the Northwest corner of the Southeast 1/4 of the Southwest 1/4 of said Section 3; thence South  $01^{\circ}18'55''$  East 1,371.42 feet, along the West line of the Southeast 1/4 of the Southwest 1/4 of said Section 3 to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 10; thence South  $01^{\circ}48'08''$  East 1,373.52 feet, along the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 10 to the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 10; thence South  $85^{\circ}40'34''$  West 1,279.45 feet, along the South line of the Northwest 1/4 of the Northwest 1/4 of said Section 10 to the East line of said Section 9; thence South  $01^{\circ}42'15''$  East 116.64 feet, along the East line of said Section 9 to the Northerly right-of-way line of the Palatka-to-Lake Butler State Trail; thence North  $48^{\circ}19'10''$  West 7,183.34 feet, along the Northerly right-of-way line of said Palatka-to-Lake Butler State Trail; thence North  $41^{\circ}40'38''$  East 100.42 feet; thence South  $69^{\circ}32'40''$  East 916.31 feet; thence South  $47^{\circ}32'19''$  East 79.64 feet; thence South  $69^{\circ}36'19''$  East 433.21 feet; thence North  $20^{\circ}29'35''$  East 656.41 feet; thence North  $23^{\circ}11'43''$  West 375.69 feet; thence North  $69^{\circ}40'28''$  West 264.21 feet; thence North  $20^{\circ}04'22''$  East 251.24 feet; thence South  $70^{\circ}29'33''$  East 634.53 feet; thence North  $20^{\circ}27'44''$  East 651.63 feet; thence North  $51^{\circ}12'49''$  West 232.20 feet; thence North  $44^{\circ}44'18''$  West 93.35 feet; thence North  $37^{\circ}04'43''$  West 92.08 feet; thence North  $33^{\circ}08'39''$  West 675.19 feet to a point being on a non-tangent curve concave Southeasterly having a radius of 1,095.92 feet, a central angle of  $19^{\circ}36'58''$ , a

chord bearing of North 44°18'34" East, and a chord distance of 373.38 feet; thence along the arc of said curve 375.21 feet to a Point of Tangency; thence North 54°07'04" East 2,095.38 feet; thence North 87°15'48" East 41.86 feet to the Southerly right-of-way line of said State Road 100; thence South 59°35'27" East 1,958.98 feet, along the Southerly right-of-way line of said State Road 100 to the East line of said Section 33; thence South 02°08'24" East 378.96 feet, along the East line of said Section 33 to the Point of Beginning.

Containing 814.57 acres, more or less.

Section 2 All resolutions or portions of resolutions in conflict with this resolution are hereby repealed to the extent of such conflict.

Section 3. This resolution shall become effective upon adoption.

PASSED AND DULY ADOPTED, in regular session with a quorum present and voting, by the Board of County Commissioners, serving as the Board of Adjustment, this 16th day of July 2018.

BOARD OF COUNTY COMMISSIONERS  
OF UNION COUNTY, FLORIDA  
SERVING AS THE BOARD OF ADJUSTMENT  
OF UNION COUNTY, FLORIDA

Attest:

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Kellie Hendricks Connell, County Clerk

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Karen E. Cossey, Chair