

Alachua County

Office of Planning and Development Staff Report

Application Number: ZOM-08-12 Staff Contact: Jerry Brewington, Sr. Planner
352-374-5249

Board of County Commissioners

Hearing Date: August 28, 2012

SUBJECT: A request for a minor amendment to the existing Town of Tioga PD reducing a vegetative buffer from 30 feet wide to 20 feet wide on a single residential lot.

APPLICANT/AGENT: John Farrell

PROPERTY OWNERS: John Farrell

PROPERTY DESCRIPTION: Address: 384 SW 132nd Terrace
Parcel Number: 04333-070-176
Section/Township/Range: 2-10-18
Land Use: Low Density Residential
Zoning: PD (Planned Development)
Acreage: 278.63

PREVIOUS REQUESTS: ZOM-22-94 – A request for a mixed-use planned development. Approved by the BoCC 9/6/94 (4-0)
ZOM-19-05 – A request to amend the zoning master plan for the PD. Approved by the BoCC.
ZOM-15-08 – A request for a minor PD amendment defining community uses. Approved
ZOM-07-12 – A request for a minor PD amendment adding to the permitted uses.

ZONING VIOLATION HISTORY: None.

STAFF RECOMMENDATION: Approval with bases as noted in the staff report.

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Analysis of Request

Background

This application is to amend a mixed-use Planned Development to reduce a vegetative buffer located within the applicant's property from 30 feet wide to 20 wide. This reduction of the buffer will allow the applicant to install a pool and screened enclosure in his back yard.



Figure 1. – Aerial view of the Project Site and Surrounding Development

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Levels of Service

Adopted Level of Service (LOS) standards found in the Alachua County Comprehensive Plan will not be impacted by the proposed minor PD amendment request. No additional impacts will occur from this request and adopted LOS standards found in the Plan will not be impacted.

Comprehensive Plan and Unified Land Development Code Consistency

The request is to reduce the vegetative buffer on Parcel 176 within the Town of Tioga Planned Development. Staff finds the proposal consistent with the Alachua County Comprehensive Plan and Unified Land Development Code as a whole and specifically with the policies and ULDC chapters listed below.

Policy 7.1.8 of the Future Land Use Element states that *Buffers shall be required between two adjacent land uses as generally described in the Buffer Group Matrix Table.* The subject property as well as the adjoining parcel to the west have a land use designation of low density residential. According to the Buffer Group Matrix referenced in Policy 7.1.8, no buffer is required when these two similar lands uses adjoin one another. Buffers are generally required when there is an anticipated impact from one allowed use on an adjacent use, usually between two different types of uses or between different intensities of uses. No buffer is required between two low density residential properties because the development that would be allowed on both properties would be similar residential uses and no impact would be anticipated. In this case, the buffer is being reduced by 10 feet, not eliminated. Staff finds that the reduction from 30 feet to 20 feet of the low-density buffer within the subject parcel will have no impact upon adjoining residential parcels. The cumulative buffer that presently exists between these two developments would not be required today and is considered unnecessary given their similar character (single family residential). The proposed request exceeds the standards found in the buffer matrix referenced in Policy 7.1.8 and is consistent with this Policy and the Plan as a whole.

The **Buffer Group Matrix** located in the Implementation Section (7.0) of the Future Land Use Element does not require a vegetative buffer when a low-density residential land use backs up to a similar land use. Both the Town of Tioga PD and the adjacent Jockey Club PD have low-density residential land uses. The reduction of the vegetative buffer by 10 feet in width will still leave a 20 foot wide buffer in place. This width is in 20 feet in excess of what the Plan presently would require as a buffer in this instance. The purpose of the reduction in buffer width is to allow a pool. The remaining buffer is adequate (especially when combined with buffers that exist on the adjoining Jockey Club parcels) to address separation and privacy concerns with surrounding parcels.

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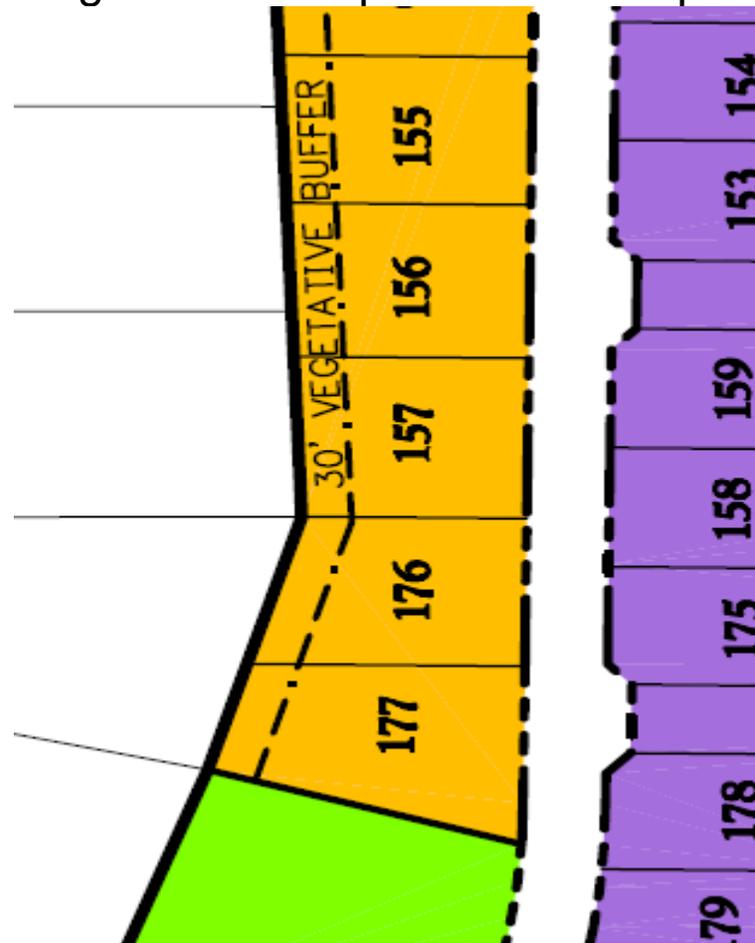
Chapter 402.89(a) of the ULDC states that *an amendment to an existing planned development shall be considered minor where it will not cause an expansion to an existing use or additional impacts to surrounding properties, natural resources or public infrastructure.* The proposed amendment is considered a minor amendment in that it will not cause an expansion of the existing planned development nor will it cause additional or adverse impacts to surrounding properties, natural resources or public infrastructure. The applicant is requesting a 10 foot reduction in the size of a vegetative buffer located within his lot.

Staff Recommendation

Staff recommends **approval** of ZOM-08-12. No changes to the conditions associated with this PD are being proposed. However, the zoning master plan will be amended to reflect the buffer reduction on Parcel 176 (the subject of this request) from 30 feet to 20 feet.

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The existing zoning master plan showing 30 foot wide buffer for Parcel 176. The amended zoning master plan will be noted by staff to show a 20 foot wide vegetative buffer for this parcel.

Conditions:

1. Gross Residential density shall not exceed 1.92 dwelling units per acre with total dwelling units not to exceed 537. Residential dwellings, including “live-work units” shall be permitted within the Town Center and Town Villa land use category areas depicted on the Zoning Master Plan. Accessory units, when permitted in accordance with the Land Development Regulations, shall not count toward the total number of dwelling units in the PD. Future phases of the development are denoted as Phases 14-23. The total number of future phases may be adjusted up or down, provided the total number of dwelling units remains unchanged.

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2. There shall be no new arterial access points connecting to Newberry Road (SR 26). All access connections to SW 8th Avenue shall comply with the access management standards of the Alachua County Land Development Regulations.
3. The Town of Tioga PD has been granted a Preliminary Certificate of Level of Service Compliance for roadways, which reserved 7,816 trips on area roadways identified in the Traffic Study. These reserved trips may be drawn down on a per-phase basis from the total number of reserved trips.
4. All internal traffic shall be controlled by stop signs.
5. A Conceptual stormwater management system shall be developed for the entire PUD concurrent with the first phase of development. It shall maintain pre-development flow rate and volume, accommodate a 100 year event and be designed for a karst sensitive area.
6. A minimum of 50 dwellings shall be built prior to any commercial development. A minimum of one phase shall occur each two years with a build out year of 2010. Each residential phase shall have a minimum of 15 units and a maximum of 60 units and each non-residential phase shall include a minimum of 5,000 s.f. of gross floor area, or 2 acres of gross site area, whichever is smaller. The development of all remaining non-residential land shall be permitted upon completion of 269 dwelling units (50% of the entire PUD).
7. The Developer shall be responsible for the design and construction of the segment of SW 8th Avenue abutting the PUD concurrently with the construction of the respective phases of the PUD adjacent to SW 8th Avenue extension.
8. Required perimeter buffering shall be provided as allowed by the Comprehensive Plan and identified on the Zoning Master Plan. Additional building setbacks, exceeding those established by the Zoning Master Plan, may be provided on the phased development plans in order to maintain or establish additional buffering from adjacent development. Alternatively, exterior lot depths may be reduced along the south and southeast property lines to provide adequate area for perimeter buffering outside of individually platted lots. Existing phases of development shall maintain the buffering and/or screening required or provided at the time of development plan approval. A 25-foot wide landscaped buffer shall be maintained along the Southern Boundary of the "Community Services/Retail" "Institutional" pod adjacent to the SW 8th Avenue extension across from the Miller Farms subdivision.
9. Landscaping shall not include plant species listed in 62C-52.011 (Florida Administrative Code), 5B-57 (F.A.C.) or Table 406.16.2 of the Unified Land Development Code (ULDC).

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10. Issuance of a certificate of level of service compliance, pursuant to ordinance 92-7, shall be addressed as part of the preliminary and final development plan review process. Final development plan approval shall be conditioned on meeting concurrency requirements for roads, drainage, stormwater management, parks, solid waste, water and sewer, and mass transit. Violation of any of the terms and agreements of this planned development shall be grounds for revocation by the Board of County Commissioners.

11. The Architectural review committee shall be maintained for residential and commercial development in the planned unit development as part of the restrictive covenants of the planned unit.

Bases:

1. Policy 7.1.8 of the Future Land Use Element states that *Buffers shall be required between two adjacent land uses as generally described in the Buffer Group Matrix Table*. The subject property as well as the adjoining parcel to the west have a land use designation of low density residential. According to the Buffer Group Matrix referenced in Policy 7.1.8, no buffer is required when these two similar lands uses adjoin one another. Buffers are generally required when there is an anticipated impact from one allowed use on an adjacent use, usually between two different types of uses or between different intensities of uses. No buffer is required between two low density residential properties because the development that would be allowed on both properties would be similar residential uses and no impact would be anticipated. In this case, the buffer is being reduced by 10 feet, not eliminated. The reduction from 30 feet to 20 feet of the low-density buffer within the subject parcel will have no impact upon adjoining residential parcels. The proposed request is consistent with this Policy and the Plan as a whole.

2. The Buffer Group Matrix located in the Implementation Section (7.0) of the Future Land Use Element does not require a vegetative buffer when a low-density residential land use backs up to a similar land use. Both the Town of Tioga PD and the adjacent Jockey Club PD have low-density residential land uses. The reduction of the vegetative buffer by 10 feet in width will still leave a 20 foot wide buffer in place. This width is in 20 feet in excess of what the Plan presently would require as a buffer in this instance. The purpose of the reduction in buffer width is to allow a pool. The remaining buffer is adequate (especially when combined with buffers that exist on the adjoining Jockey Club parcels) to address separation and privacy concerns with surrounding parcels.

3. Chapter 402.89(a) of the ULDC states that *an amendment to an existing planned development shall be considered minor where it will not cause an expansion to an existing use or additional impacts to surrounding properties, natural resources or public infrastructure*. The proposed amendment is considered a minor amendment in that it will not cause an expansion of the existing planned development nor will it cause additional or adverse impacts to surrounding properties, natural resources or public infrastructure. The applicant is requesting a 10 foot reduction in the size of a vegetative buffer located within his lot.

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Staff and Agency Comments

Department of Environmental Protection: No comments

Department of Public Works: No comments

Traffic/Concurrency: No comments