

Alachua County

Office of Planning and Development Staff Report

Application Number: ZOM-06-12 **Staff Contact:** Missy Daniels, Senior Planner
352-374-5249

Planning Commission **Hearing Date: July 18, 2012**
Board of County Commissioners **Hearing Date: August 28, 2012**

SUBJECT: A request to rezone from 'R-1a' (Single Family Residential) district to 'R-1c' (Single Family Residential) district

APPLICANT/AGENT: Annetta Bergstrom

PROPERTY OWNER: Annetta and Marlin Bergstrom

PROPERTY DESCRIPTION: Property Address: SE 163rd Avenue, Lochloosa Rural Cluster
Parcel Number: a portion of 20098-000-000
Section/Township/Range: 27-11-22
Land Use: Lochloosa Rural Cluster
Zoning: R-1a (Single-family Residential)
Existing Use: Vacant
Acreage: 0.96

ZONING VIOLATION HISTORY: There are currently two violations on the site.

STAFF RECOMMENDATION: Approval

PLANNING COMMISSION RECOMMENDATION: Approval (7-0)

BOARD OF COUNTY COMMISSIONERS:

Alachua County Office of Planning and Development Staff Report

Analysis of Request

Background

The subject parcel is zoned 'R-1a' (Single-family residential) district. The land use designation is the Lochloosa Rural Cluster, which is located in the southeast part of the County along US 301. Rural Cluster land use designations allow 0-2 units per acre density. The applicant wishes to rezone the property to R-1c (Single-family Residential) in order to place a manufactured home on the site. The R-1a and R-1c zoning districts are identical except that R-1a does not allow mobile homes.



Figure 1. - Aerial View of Subject Property

Alachua County

Office of Planning and Development Staff Report

Two violations have been issued on this site. The applicant cleared some of the property, some of which was in wetlands, and stored the mobile home on the site prior to getting any approvals from Alachua County.

One violation was issued by the Alachua County Environmental Protection Department for unauthorized alteration of a wetland (Section 406.41(b), Unified Land Development Code) and unauthorized alteration of a wetland buffer (Section 406.43(d)). The Environmental Protection Department has been working with the property owner and corrective action has already begun, which includes replanting the cleared area.

The second violation was a multi-part violation issued by the Growth Management Office of Code Enforcement for moving a mobile home to a site without a permit (Section 333.21, Alachua County Code), improvement to a property prior to issuance of a building permit (Section 402.140(b)) and placing a manufactured home in a zoning district that does not allow manufactured homes (Section 404.21, Unified Land Development Code). A stop work order was also issued to the property owner.

The Code Enforcement violation can be corrected by obtaining the proper permits. Before the property owner can apply for permits, however, the property would have to be rezoned to R-1c to allow mobile homes.

Levels of Service

The Alachua County Comprehensive Plan Capital Improvement Element requires that the public facilities and services needed to support development be available concurrent with the impacts of development and that issuance of a Certificate of Level of Service Compliance (CLSC) be a condition of all final development orders. 'Concurrent' shall mean that all adopted levels of service (LOS) standards shall be maintained or achieved within a reasonable timeframe. Per **Policies 1.2.4** and **1.2.5** of the Capital Improvements Element of the Alachua County Comprehensive Plan, LOS standards have been adopted for various types of public facilities.

Traffic

The proposed rezoning has no potential for increased transportation impacts.

Water and Sewer

Centralized water and sewer is not currently available at the site, and any future development on the site will not be required to provide a connection (PWSS Policy 2.1).

Alachua County

Office of Planning and Development Staff Report

Drainage

Policy 1.2.4 (D) states that the minimum drainage LOS standard for residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation. Any development at this site will be required to meet this standard at the time of final DRC approval.

Emergency Services

Policy 1.2.5 (A) states the LOS standards for fire services within the rural area as follows:

- Initial unit response within 12 minutes for 80% of all responses within 12 months.
- Fire protection service level of ISO (Insurance Service Office) Class Protection less than 10.
- Development shall provide adequate water supply for fire suppression and protection and fire service compliant fire connections.

The LOS standard for emergency services will not be exceeded by this request.

Solid Waste

Policy 1.2.4 (C) states that the minimum level of service standard for solid waste disposal used for determining the availability of disposal capacity to accommodate demand generated by existing and new development, at a minimum, shall be 0.73 tons per person per year. In the year 2001-2002, there was generated 3.9 pounds/day (0.71 tons/year per person) in Alachua County (Source: Alachua County Public Works Department Website). Rezoning of this property and subsequent placement of a home on the site will not cause the required minimum LOS standards to be exceeded.

Recreation

The proposed single lot zoning change will not impact the level of service standards for recreation as adopted in the comprehensive plan. The proposed change in zoning represents a *di minimus* impact to the recreation level of service.

Schools

The proposed single lot zoning change will not impact the level of service standards for public schools as adopted in the comprehensive plan. The proposed change in zoning represents a *di minimus* impact to the public school of service.

Comprehensive Plan and ULDC Consistency

Staff finds the request to be consistent with the Alachua County Comprehensive Plan and the Unified Land Development Code as a whole and specifically with the policies and regulations outlined here.

Alachua County

Office of Planning and Development Staff Report

Policy 6.4.1 of the Future Land Use Element states that *development in the rural clusters may be permitted with lot sizes of one acre or greater for development on private wells and septic tanks, or on lots as small as one-half acre for development on a central water system...* This equates to 0-2 units per acre density. The proposed zoning district (R-1c) permits single family detached dwelling units including manufactured housing and allows 1-4 units per acre. The request for an R-1c zoning district is thus consist with Policy 6.4.1 of the FLUE.

Policy 7.1.2 of the FLUE states that review of proposed changes to the zoning map shall consider consistency with the Comprehensive Plan, the availability and capacity of public facilities required to serve development, and the relationship of the proposed development to existing development in the vicinity. Currently, the subject property has a zoning district of R-1a (Single-family Residential), which implements the Rural Cluster land use designation. The R-1c zoning district, if approved, also implements the Rural Cluster land use designation and is similar to the R-1a district in every manner except that R-1c allows manufactured and mobile homes in addition to site built homes. The surrounding parcels are zoned R-1a, R-1c and BR (Business Retail). The Rural Cluster designation allows a mix of residential and commercial and this rezoning will not alter that mix or be incompatible with the surrounding uses. As shown in the level of service section of this report, there are adequate facilities to serve the proposed site. This application is consistent with Policy 7.1.2 of the Alachua County Comprehensive Plan.

As shown in **Table 403.07.1** found in **Chapter 403** of the Unified Land Development Code (ULDC), the R-1c zoning district allows one to four dwelling units per acre. One dwelling unit will be placed on the lot, which is consistent with this ULDC regulation.

Zoning Districts					
Density Range	RE	RE-1	R-1aa	R-1a or R-1c	R-1b
Dwelling units per acre	0-.5	1-2	1-3	1-4	4-8

According to **Article 2 of Chapter 404**, the Use Table of the ULDC, a manufactured home is allowed in the R-1c zoning district. Section 404.21 of the ULDC states that *a manufactured home is allowed as a limited use on an individual lot within the A, R-1c, and RM districts.* Thus, the rezoning to R-1c will allow the manufactured home that has already been placed on the property.

Alachua County

Office of Planning and Development Staff Report

Staff Recommendation

Staff recommends **approval** of ZOM-06-12 with the following bases:

Bases

1. Policy 6.4.1 of the Future Land Use Element states that *development in the rural clusters may be permitted with lot sizes of one acre or greater for development on private wells and septic tanks, or on lots as small as one-half acre for development on a central water system...*This equates to 0-2 units per acre density. The proposed zoning district (R-1c) permits single family detached dwelling units including manufactured housing and allows 1-4 units per acre. The request for an R-1c zoning district is thus consist with Policy 6.4.1 of the FLUE.

2. Policy 7.1.2 of the FLUE states that review of proposed changes to the zoning map shall consider consistency with the Comprehensive Plan, the availability and capacity of public facilities required to serve development, and the relationship of the proposed development to existing development in the vicinity. The R-1c zoning district, if approved, implements the Rural Cluster land use designation and is similar to the R-1a district in every manner except that R-1c (Single-family Residential) allows manufactured and mobile homes in addition to site built homes. The surrounding parcels are zoned R-1a, R-1c and BR (Business Retail). The Rural Cluster designation allows a mix of residential and commercial and this rezoning will not alter that mix or be incompatible with the surrounding uses. There are adequate public facilities to serve the proposed site. This application is consistent with Policy 7.1.2 of the Alachua County Comprehensive Plan.

3. Table 403.07.1 found in **Chapter 403** of the Unified Land Development Code (ULDC) states that the R-1c zoning district allows one to four dwelling units per acre. One dwelling unit will be placed on the lot, which is consistent with this section of the ULDC and the Rural Cluster land use designation.

Alachua County

Office of Planning and Development Staff Report

Staff and Agency Comments

Department of Environmental Protection: Staff has no objection to this rezoning request that will allow placement of a manufactured home. There is a low quality wetland on the property. Existing land development regulations are sufficient to address this issue.

Transportation/Concurrency: The proposed rezoning has no potential for increased transportation impacts.

Department of Public Works: The Public Works Department has no comment with regard to this request.