

RESOLUTION Z-22-7

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA TO REZONE FROM AN 'R-1A' (SINGLE FAMILY RESIDENTIAL) DISTRICT TO AN 'R-1C' (SINGLE FAMILY RESIDENTIAL) DISTRICT WITH A RURAL CLUSTER LAND USE DESIGNATION. THE PARCEL IS APPROXIMATELY 0.23 ACRES ON PARCEL NUMBER 20077-005-000 LOCATED AT 15326 SE US HIGHWAY 301.

WHEREAS, Zoning Application Z22-000002, a request to rezone from R-1a (Single Family Residential) district to R-1c (Single Family Residential) district has been duly filed and was considered by the Alachua County Planning Commission at its regular meeting of August 17, 2022 and;

WHEREAS, the Alachua County Board of County Commissioners considered this zoning item at its regular meeting of September 27, 2022;

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

Zoning Application Z22-000002, a request by Frances and Charles Kirkland, owners, to rezone from 'R-1a' (Single Family Residential) district to R-1c (Single Family Residential) district with a Rural Cluster land use designation. The parcel is approximately 0.23 acres on parcel number 20077-005-000 located at 15326 SE US Highway 301, as summarized in the attached exhibit, is hereby approved with the following bases:

Bases

1. The parcel that is the subject of this request is located west of US Highway 301 on Lake Lochloosa. The parcel is one of a series of small (approximately quarter acre) parcels created many years to ago accommodate residences along the lake. In the 1970's, these parcels received a zoning designation of either R-1a or R-1c, depending on the type of residence located on the lot at the time. The R-1a zoning designation allows only single-family residences or modular homes while the R-1c designations allows both of these housing types plus mobile homes. While detailed mapping of the Lochloosa Rural Cluster has not yet occurred, the policies provide for implementation of the Rural Cluster land use in the meantime. Thus, the land use designation is, by policy, Lochloosa Rural Cluster. Therefore, the current zoning designation (R-1a) as well as requested zoning designation (R-1c) implements the underlying land use designation.

The applicant wishes to place a mobile home on the parcel. Many of the parcels in the area also contain mobile homes so this is consistent with surrounding development. However, the R-1a zoning on the lot will not permit the placement of a mobile home and therefore requires rezoning to the R-1c zoning district.

The Lochloosa Rural Cluster is one of the Rural Clusters found within Alachua County. Two of these have been through the process of delineating parcel-based boundaries for their clusters while the rest have yet to be processed. Per FLUE Policy 6.4.1, until such time as these parcel-based boundaries are mapped and adopted into the Plan, a series of guidelines shall be used to determine whether specific parcels fall into the rural cluster or rural/agriculture land use designations.

Staff analysis of the policies applied to this group of ¼ acre parcels along Lake Lochloosa that encompasses the subject parcel finds that these parcels meet the requirements and would be included within the boundaries of the rural cluster.

2. As no timetable for the evaluation of cluster boundaries is provided in the Plan,

Policy 6.4.1 of the Future Land Use Element also provides for criteria that staff may use to evaluate individual properties in the interim period for possible future inclusion in the cluster. These are as follows:

Policy 6.4.1 The County shall initiate proposed Comprehensive Plan amendments to delineate parcel-based boundaries for Rural Clusters on the Future Land Use Map based on the following guidelines in (a) through (e). Until such time as those boundaries have been delineated, the guidelines in (a) through (e) shall be used to determine how the Rural Cluster land use designation and related policies apply to individual properties.

(a) Rural Clusters shall generally include developed areas approximately 1/2 mile from the easily discernable focal point of the cluster. The focal point is usually the intersection of two rural roads or some other prominent feature around which the community seems to be centered.

(b) The cluster shall be construed as containing all of the developed areas and undeveloped infill areas, but not undeveloped land beyond the extent of developed areas.

(c) For the purposes of these guidelines, developed areas include areas with commercial uses, non-farm residential areas where lot sizes are generally below five acres, and usually below one acre, and other specialized uses not normally found in a

rural setting. Platted, undeveloped subdivisions or other pre-existing developments where densities are higher than one unit per acre should be included, even if not developed, provided that the various lots or parcels are largely in different ownerships. The extent of non-conformity of these lots or parcels from County setback, access, and other regulations shall be considered in determining Rural Cluster boundaries.

(d) The cluster may contain open space or conservation areas if these areas can be logically included given the other standards listed above. Such areas in the cluster shall be consistent with policies in the Conservation and Open Space Element.

(e) Consideration may be given to natural features (including otherwise defined open space or conservation areas) or man-made features (such as jurisdictional boundaries, highways, railroads, or distinctive land use areas) that help form a logical boundary.

As highlighted in Policies 6.4.1(b) and (c), emphasis is placed on including developed parcels in the cluster. Approximately half of these small lakefront parcels lie within the half-mile radius identified in Policy 6.4.1. While this ½ mile radius serves as a guidepost, the policy allows for inclusion of areas beyond the radius where it is logical to do so. These small lakefront properties meet the criteria for inclusion in the cluster.

This is especially true given the additional criteria found in FLUE 6.4.1(c) which identifies small developed and undeveloped residential lots under different ownerships not normally found in a rural setting as having characteristics associated with development in a rural cluster setting.

Based on the above analysis, staff finds that the parcel in question would be considered to be within the Lochloosa Rural Cluster boundary and that the proposed R-1c zoning

designation is consistent with the Comprehensive Plan land use designation (Lochloosa Rural Cluster) for this property.

3. Policy 7.1.2 of the Future Land Use Element states that:*Proposed changes in the zoning map shall consider: consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan*

The requested rezoning is consistent with the goals, objectives, policies and adopted maps of the Comprehensive Plan. The rezoning from R-1a to R-1c is consistent with the Rural Cluster policies found in the Plan.

the availability and capacity of public facilities required to serve the development. When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1 of the Potable Water and Sanitary Sewer Element.

The site is located outside the Urban Cluster. Public facilities at a rural standard are available to serve the property, which contains an existing single family residence.

the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice and redevelopment opportunities.

Existing development in the vicinity consists of single-family residences. Staff has not identified any negative impacts to environmental justice or redevelopment opportunities that would result from this rezoning being approved.

those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the range of densities and intensities

permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare.

The rezoning, if approved, will not result in an increase of residential density. The purpose of this request is to allow the owner to place a mobile home on the property. Mobile homes are not permitted in the R-1a district, so an 'R-1c' (Agriculture) district is being requested to allow a mobile home to be placed on the property.

4. Sec. 402.77 of the Unified Land Development Code -- Review criteria and standards for rezoning applications.

When considering any application for rezoning, the standards and criteria listed below shall apply:

(a) Consistency.

(b) Compatibility.

(c) Development patterns.

(d) Suitability.

(e) Adequate public services.

(f) Access.

(g) Public health, safety, and welfare.

The proposed rezoning is consistent with the Comprehensive Plan and ULDC (a). The R-1c zoning district implements the rural cluster land use designation and is compatible with the present zoning pattern and conforming uses of nearby properties and the character of the surrounding area. The surrounding area consists of single-family residential lots to the north and south. There are R-1c zoned parcels in the vicinity (which allows mobile homes as well as site-built homes) (b,c,d). The site is located

outside the Urban Cluster where adequate public facilities exist at the rural standard of the ULDC (e). Access to the site is from an access road off of US 301. (f). The rezoning will not result in any adverse impacts to public health, safety or welfare (g).

5. Section 404.22 – Mobile Home

The applicant's purpose for the rezoning is to allow for a mobile home residence on the site. Mobile homes are allowed in the R-1c zoning district as a limited use, subject to the criteria of Section 404.22 of the ULDC. The applicant will be required to meet these criteria as a part of the permitting process.

DULY ADOPTED in regular session this 27th day in September, A.D., 2022.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

Marihelen Wheeler, Chair

ATTEST:

Jesse K. Irby, II, Clerk

APPROVED AS TO FORM

(SEAL)

Alachua County Attorney

DEPARTMENT APPROVAL

AS TO CORRECTNESS

Department of Growth Management

Authorized Designee

EXHIBIT A

Legal Description

The North 302.2 feet, EXCEPT the North 242.2 feet of Government Lot 3, West of Seaboard Coastline Railroad in Section 27, Township 11 south, Range 22 East, Alachua County, Florida.

Parcel 20077-005-000