



Alachua County – Growth Management Staff Report

Application Z22-000002

Application Details

Staff Contact

Mehdi J. Benkhatar, AICP

Staff Phone Number

352-374-5249 ext. 5261

Planning Commission Hearing Date

August 17, 2022

Board of County Commissioners Hearing Date

September 27, 2022

Requested Action

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

Property Owner

Frances & Charles Kirkland

Property Description

Address: 15326 SE US Highway 301

Parcel Numbers: 20077-005-000

Section/Township/Range: 27/11/22

Future Land Use: Lochloosa Rural Cluster

Zoning: R-1a

Acreage: 0.23

Previous Requests

(Z-1162) rezoning from R-1a to R-1c (in 1972) *Denied*

Zoning Violation History

None.

Applicant

Frances & Charles Kirkland

Project Timeline

- Submitted: June 24, 2022
- Staff Report Distributed: August 11, 2022
- Planning Commission Hearing: August 17, 2022

Staff Recommendation

Staff recommends that the Board of County Commissioners **approve Z22-000002** with the bases as listed in the staff report.

Planning Commission Recommendation

At its meeting on 8/17/22 the Planning Commission recommended (7-1) that the Board of County Commissioners **approve Z22-000002** with the bases as listed in the staff report.

Background



Figure 1: Aerial image of site

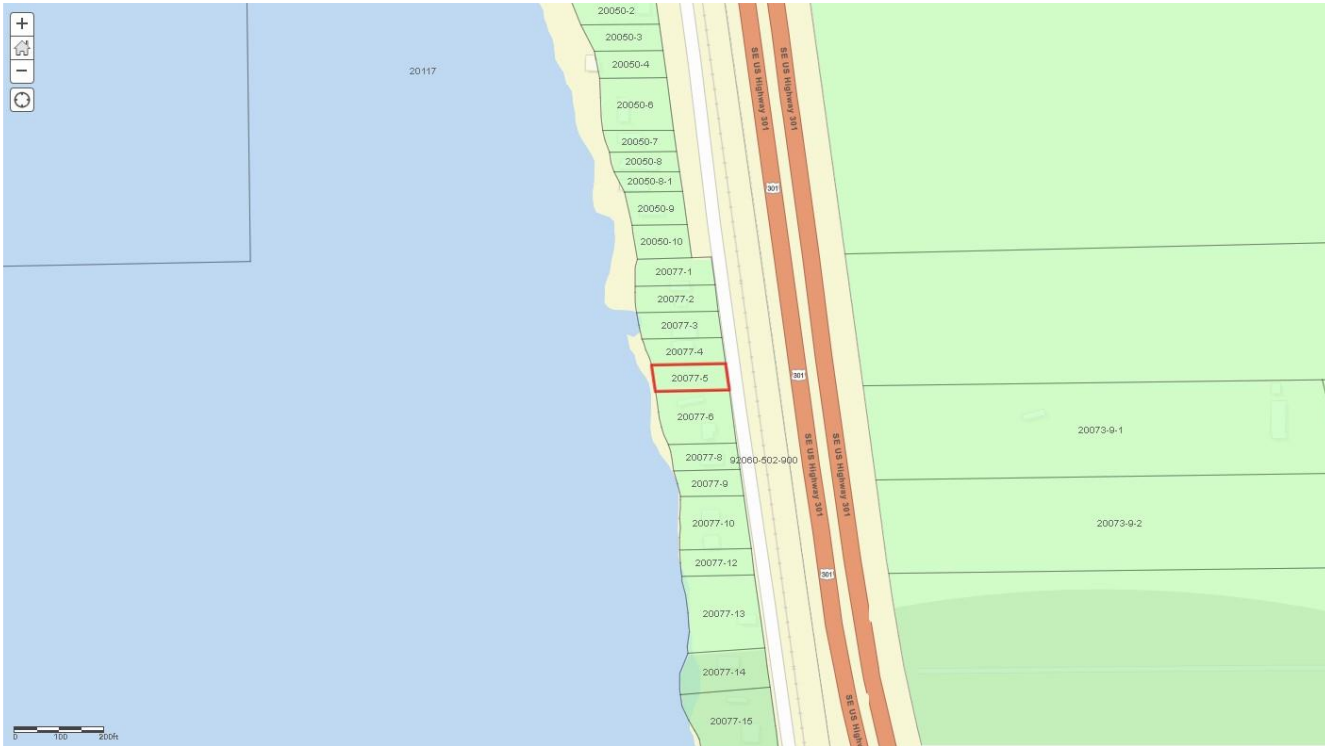


Figure 2: Future Land Use Map

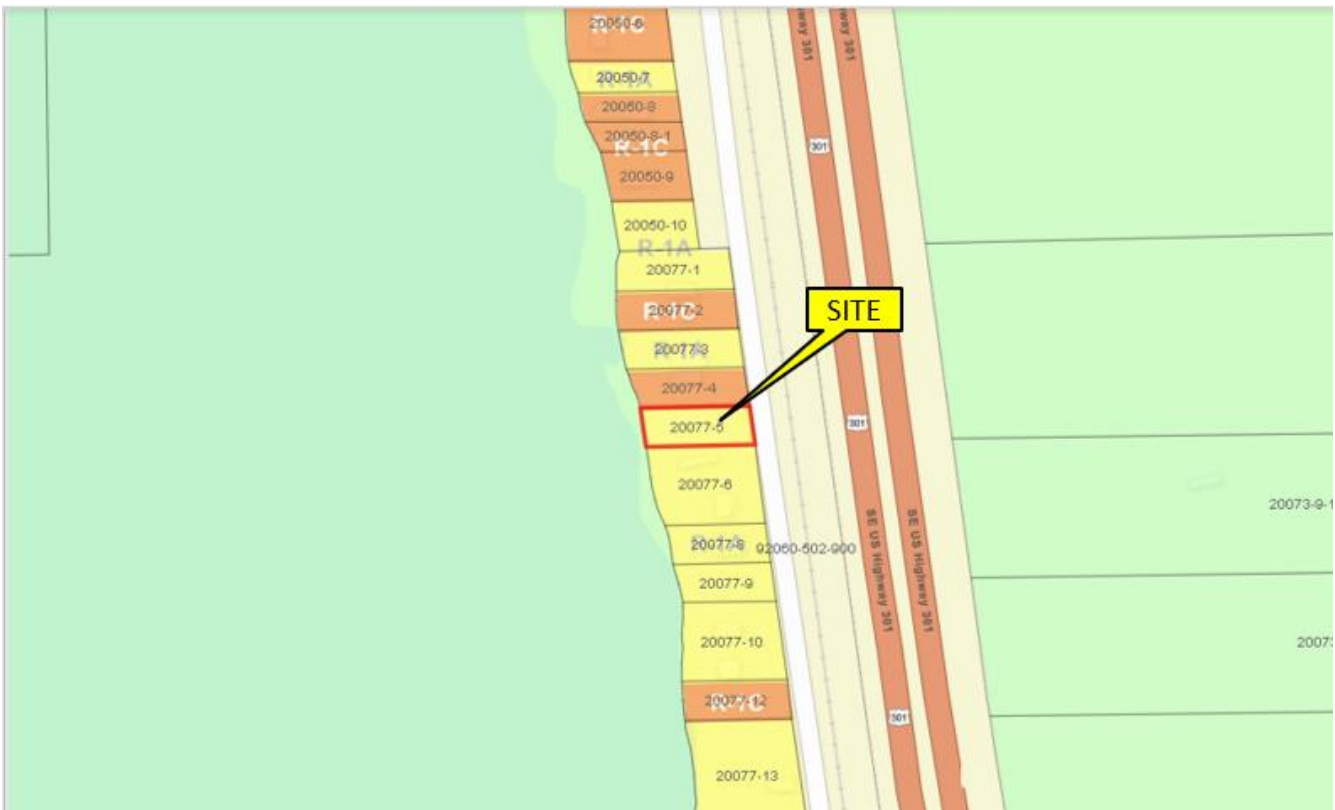


Figure 3: Zoning Map

This application is a request to rezone from the R-1a (single-family residential) zoning district to the R-1c (single-family residential) zoning district. The purpose of this rezoning is to allow for the replacement of a mobile home. Mobile homes are not a permitted use in the R-1a district.

Several parcels along Lake Lochloosa have R-1c zoning, indicating that they may have historically had mobile homes present prior to the establishment of the County's first Comprehensive Plan. This particular parcel has an unclear permitting history. In 1972 a rezoning request to rezone from R-1a to R-1c was denied permitting from the Health Department based on the site being located in a flood zone and concerns of water quality impacts to Lake Lochloosa. Similarly, in 1973 a building permit for a frame house was denied for the same reason. However, for reasons unknown, a mobile home was placed on this parcel along with a well and septic tank. The mobile home has been on site since 1973.

Lochloosa Rural Cluster

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 Future Land Use Element (FLUE) Policy 6.4.1 of the Comprehensive Plan, 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.

As no timetable for the evaluation of cluster boundaries is provided in the Plan, Policy 6.4.1 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 qualifies for inclusion in 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.

Site description

The site of this application is a single-family residential $\frac{1}{4}$ acre parcel, along the eastern shore of Lake Lochloosa. The parcel has the aforementioned mobile home along with a carport and “pumphouse”. The mobile home is considered an existing, nonconforming use by the Unified Land Development Code. Normally a nonconforming single-family residence that has been in continual use can remain or be replaced; however, as the permitting history of this parcel is unclear, staff has determined that a rezoning is necessary to bring the parcel into compliance.

Lake Lochloosa has been designated as an “Outstanding Florida Water” and consequently requires an average buffer of 200 ft. and minimum buffer of 100 ft. The existing mobile home was placed on the site prior to this designation. The applicant has provided information to staff that indicates that the planned replacement mobile home will not encroach any nearer to the lake than the existing mobile home.

To the north of the site is an identical parcel that was the subject of a rezoning request earlier in 2022 (Freeman rezoning, ZOM-01-22) rezoning from R-1a to R-1c. That parcel did not have a mobile home previously.

To the east of the site lies the CSX railroad line and US Highway 301.

To the south of the site lies a $\frac{1}{2}$ acre parcel with R-1a zoning.

To the west of the site is Lake Lochloosa.

Consistency with Comprehensive Plan

Policy 7.1.2 of the Future Land Use Element

Policy 7.1.2 of the Future Land Use Element states:

Proposed changes in the zoning map shall consider:

- a. 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.

- b. 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.

- c. 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.

- d. 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.

Levels of Service (Capital Improvements Element)

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 specified timeframe. Per **Policy 1.2.4 and Policy 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

This rezoning will result in *de minimus* impacts to the transportation network. If approved, the rezoning will authorize no additional dwellings beyond those already permitted under the existing R-1a zoning. As previously stated, the intent of this request is to permit a single-family residential structure (a manufactured home) to be placed on this site.

Water and Sewer

Policy 1.2.4 (d) of the Capital Improvements Element describes the minimum Level of Service standards for potable water and sewer. These are summarized in the following table:

	Peak Residential & Non Residential	Pressure	Storage Capacity
Potable Water	200 gallons/day/du	40 p.s.i.	½ peak day volume
Sanitary Sewer	106 gallons/day/du	N/A	N/A

The site is located outside of the Urban Cluster. Any future residence will be required to be served by a well and septic tank. The Florida Department of Health permits wells and septic tanks and will evaluate these during the pre-screening of a building permit for a new residence.

Drainage

Policy 1.2.4 of the Capital Improvements Element 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) of the Capital Improvements Element states that the LOS standard for fire services outside the urban cluster area is 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 10 or better.
- Development shall provide adequate water supply for fire suppression and protection and fire service compliant fire connections.

Any development at this site will be required to meet this standard at the time of development plan approval.

Solid Waste

Policy 1.2.4 (b) of the Capital Improvements Element 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 0.8 tons per person per year. LOS standards for solid waste will not be exceeded by this request.

Schools

The proposed rezoning does not authorize additional residential units and would not impact the level of service for public schools.

Recreation

The proposed rezoning does not authorize additional residential units and would not impact the level of service for recreation.

Unified Land Development Code (ULDC) Consistency

Sec. 402.77 -- 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).

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.

Staff Recommendation

Staff recommends that the Board of County Commissioners **approve Z22-000002** with the bases as listed in the staff report.

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.

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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.

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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.*

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(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.

Staff and Agency Comments

Department of Environmental Protection

Please provide a more detailed site plan that indicates the current MH footprint

Department of Public Works

Ensure that the new proposed mobile home is at least 1 foot above the Base flood elevation of 61 foot NAVD'88 for Lochloosa Lake including all electrical and mechanical devices. Please submit for a Pre-Application Screening (PAS) and Flood Plain Area Permit to Public Works after Zoning approval.

Transportation

The proposed change will not result in any additional impacts to the transportation network. Any new buildings on the site will mitigate their impact through payment of impact fees.