



# **Alachua County – Growth Management Staff Report**

## **Application ZOM-08-19**

### **Application Details**

#### **Staff Contact**

Mehdi J. Benkhatar

#### **Staff Phone Number**

352-374-5249 ext. 2361

#### **Board of County Commissioners Hearing Date**

September 10, 2019

#### **Requested Action**

A request for a minor amendment to the Oakmont PD, amending condition #19 pertaining to timing of SW 122<sup>nd</sup> Street construction and access.

#### **Property Owner**

CC Oakmont, LLC

#### **Property Description**

Address: 3289 SW 122<sup>nd</sup> St.

Parcel Number: 04427-000-000

Section/Township/Range: 13/10/18

Land Use: Low Density Residential (1 to 4 dwelling units/acre)

Zoning: PD (Planned Development)

Acreage: 534

#### **Previous Requests**

ZOM-16-99: rezoning from “A” (Agriculture) to RE-1 (single-family, low density residential)

ZOM-08-05: rezoning from “A” (Agriculture) and RE-1 (single-family, low density residential) to PD (Planned Development)

CPA-04-06: Text amendment to the Oakmont development

ZOM-18-07: PD amendment for phasing

ZOM-10-09 PD amendment for phasing and road design

CPA-03-10 Text amendment to the Oakmont development

ZOM-05-13 PD amendment for phasing

ZOM-03-14 PD amendment for phasing, model homes and setbacks

### **Zoning Violation History**

None.

### **Applicant/Agent**

CHW, Inc.

### **Project Timeline**

- Submitted: July 19, 2019
- Staff Report Distributed: August 27, 2019
- Board of County Commissioners Hearing: September 10, 2019

### **Staff Recommendation**

Staff recommends that the Board of County Commissioners **approve ZOM-08-19** with the conditions and bases as listed in the staff report.

### **Background**

The Oakmont Planned Development is located southeast of the intersection of SW 24<sup>th</sup> Avenue and Parker Road (SW 122<sup>nd</sup> Street), and is approximately 556 acres in size. The PD has been approved for 999 single-family units (detached and attached), yielding a gross density of 1.8 units per acre. Policy 7.1.7(c) of the Future Land Use Element limits parcel 04427-000-000 to an average density of no more than two (2) dwelling units/acre although the land use designation is Low Density Residential (1 to 4 dwelling units/acre). The Urban Cluster Boundary runs along the southern and western boundaries of the planned development.

The PD has had three phases approved thus far with development approvals for 496 units. Condition 19 of the Oakmont PD Zoning Master Plan states that the primary access point on SW 122<sup>nd</sup> shall be provided prior to development approval of more than 500 units within the PD. The developer is now at a point where the next phase will push the number of approved units over 500. Therefore, the requested minor amendment seeks to change the requirement in Condition 19 so that construction of the road to SW 122<sup>nd</sup> St. and the next phase (Phase 4) can occur simultaneously rather than requiring that the road be constructed first and then start the approval process for the subsequent phase. This amendment will not allow for construction of new residential units (i.e. those units to be approved in Phase 4) or recording of the plat until the required access road to SW 122<sup>nd</sup> St. has been constructed and been made accessible to the public.

### **Proposed amendment**

The applicant has proposed the following changes to Condition 19 of the Oakmont PD. No other changes to conditions have been proposed.

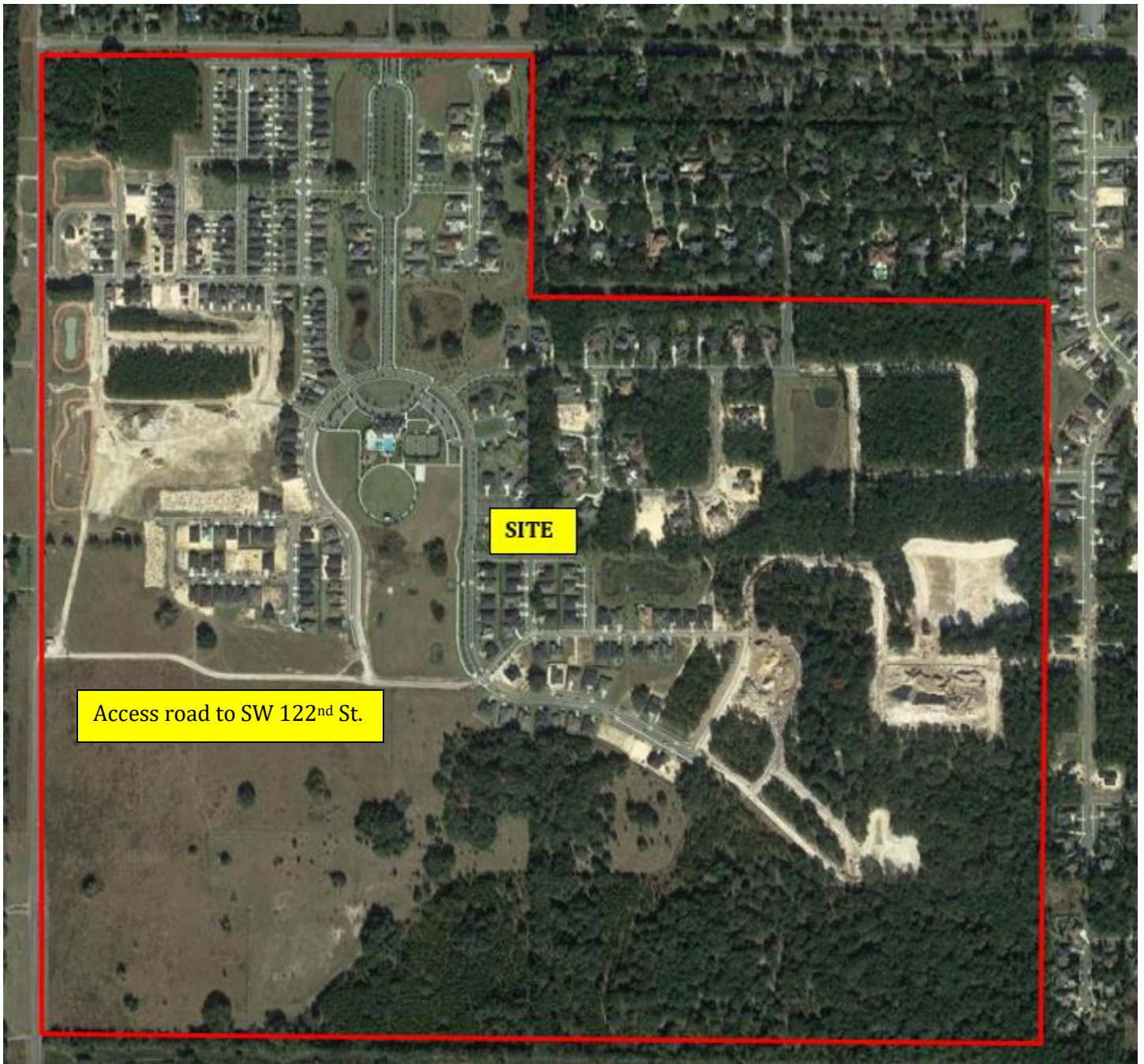
19. The primary access on Southwest 122<sup>nd</sup> Street shall be constructed and accessible to the public prior to the recording of the plat of the 500<sup>th</sup> unit.

Staff's recommended language is similar in intent to the applicant's proposed amendment although it has been worded differently:

### **Staff's proposed language**

19. The primary access on Southwest 122<sup>nd</sup> Street shall receive a certificate of completion prior to the recording of the plat that contains the 500<sup>th</sup> unit.

The language proposed by staff specifies that the road must receive a certificate of completion from the Public Works Department prior to the recording of the plat that contains the 500<sup>th</sup> unit.



*Figure 1: Aerial map of site*



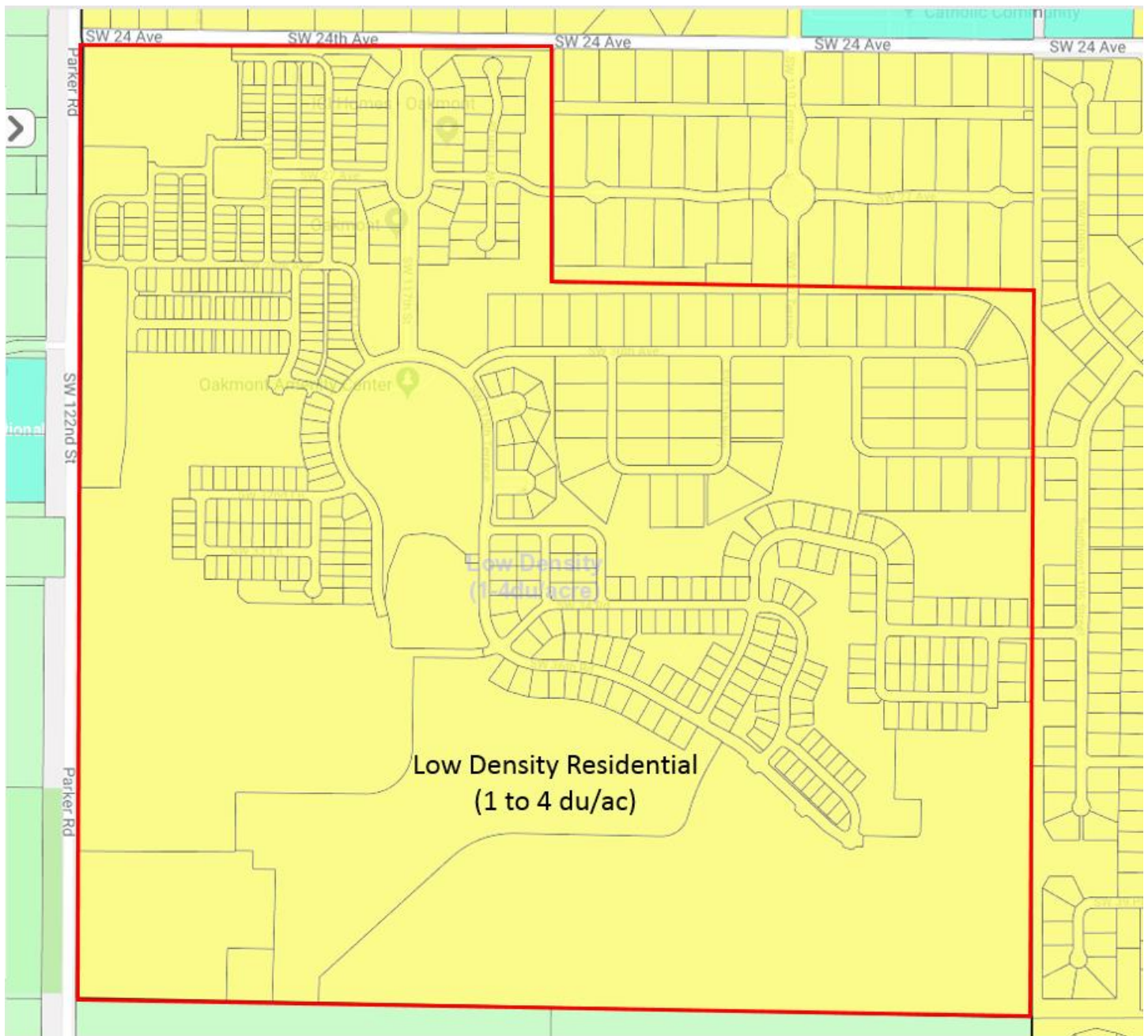


Figure 2: Future Land Use Map



concurrent with the approval process of the next phase. The site is located in the southwest portion of the Urban Cluster.

To the north of the site are parcels zoned RE-1 (single family, low density residential) with single-family residences. The northeast portion of the site connects to the Biltmore subdivision. To the east of the site is the Estates of Wilds Plantation subdivision that has R-1a zoning (single family, low density residential). To the south of the site are large, undeveloped parcels with Agriculture zoning. The southwest portion of the site has been designated as the location of a new public school. To the west is SW 122<sup>nd</sup> Street and across from that the Parker Place rural subdivision, vacant agricultural parcels and the Diamond sports park. These parcels are located outside of the Urban Cluster.

## **Consistency with Comprehensive Plan**

### **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 specified timeframe. Per **Policy 1.2.4 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 not result in any additional impacts to the transportation network. The amendment is related to the timing of the road access construction. No new residential units are authorized with the approval of this amendment.

### ***Water and Sewer***

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

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

There will be no impacts to water and sewer levels of service resulting from this request. The site will be served by municipal water and sewer services.

### ***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 future development on this site would be required to meet this standard.

### ***Emergency Services***

**Policy 1.2.5 (a) of the Capital Improvements Element** states that the LOS standard for fire services in the urban cluster is as follows:

- Initial unit response within 6 minutes for 80% of all responses within 12 months.
- Fire protection service level of ISO (Insurance Service Office) Class Protection 6 or better.
- Development shall provide 100% of water supply from hydrants.

All development will be required to meet these standards at the time of development plan approval.

### ***Solid Waste***

**Policy 1.2.4 (c) 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 0.73 tons per person per year. LOS standards for solid waste will not be exceeded by this request.



### ***Schools***

The proposed rezoning does not authorize new residential units and will not have an impact on the school system.

### ***Recreation***

The proposed rezoning does not authorize new residential units and will not have an impact on the recreation system.

## **Policy 1.4.1.3 of the Future Land Use Element**

**Policy 1.4.1.3 of the Future Land Use Element** states:

*“Planned developments, subdivisions, traditional neighborhood developments and transit oriented developments designed for phasing shall embody proper access, circulation, drainage, open space and utilities for each phase to ensure viability at all stages of development”.*

**The Oakmont Planned Development Zoning Master Plan shows the primary ingress/egress access point to SW 122<sup>nd</sup> St. The proposed minor amendment will keep this access point but allow the developer to construct it concurrent with the upcoming phase (the approval of which will exceed the 500<sup>th</sup> unit).**

## **Policy 7.1.2 of the Future Land Use Element**

**Policy 7.1.2 of the Future Land Use Element** states that:

*Proposed changes in the zoning map shall consider:*

- a. consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan*

**The minor amendment is consistent with the goals, objectives, policies and adopted maps of the Comprehensive Plan. The request would not change any of the entitlements but rather allow the applicant to amend the timing of the construction of the primary access road to SW 122<sup>nd</sup> St.**

- 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.*

**Adequate capacity exists to serve future phases of the planned development. The site is located in the Urban Cluster and is required to be served by a centralized potable water and sanitary sewer system.**

- 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 of the site consists of low density residential subdivisions. Staff has not identified any environmental justice or redevelopment issues that would result from the approval of this application.**

- 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.*

**This request does not involve any increase in density or intensity. The amendment is related to the timing of road construction to connect to SW 122<sup>nd</sup> St. Staff has provided recommended conditions in consideration of legitimate public purposes relating to health, safety and welfare.**

# Unified Land Development Code (ULDC) Consistency

## Sec. 402.89. - Revision of planned development district.

- (a) ***Minor amendment to planned development district approval.*** An amendment to an existing planned development shall be considered minor where it will not cause an expansion to the existing use or additional impacts to surrounding properties, natural resources, or public infrastructure...

**The applicant's request is to amend Condition #19 of the Oakmont Planned Development. The amendment as proposed will not cause an expansion to the existing use or additional impacts to surrounding properties, natural resources or public infrastructure. The amendment is related to timing of the construction of the primary access road to SW 122<sup>nd</sup> Street.**

## Fiscal Impact Analysis

### **Impact on the Initial Cost of Housing and on the Long Term Cost of Home Ownership**

The proposed amendment is related to timing of road construction. Staff does not expect any impacts on the initial cost of housing or the long term cost of home ownership to result from this amendment, if approved.

### **Fiscal Impacts to the County and County Taxpayers**

There are no costs to the County or to County taxpayers resulting from the amendment.

## Staff Recommendation

Staff recommends that the Board of County Commissioners **approve ZOM-08-19 with the following conditions and bases:**

## **Conditions**

1. Preliminary and Final Development Plan approval shall be required by the Development Review Committee. The Development Plan shall be consistent with the zoning master plan reviewed and approved by the Board of County Commissioners and shall address compliance with these conditions and the requirements of Section 403.17 - Planned Development (PD) District in the Land Development Code.
2. The maximum number of residential dwelling units shall be 999.
3. The final location of internal roadways and lot configurations may be adjusted to minimize the impacts to existing flood plains located within the limits of the property.
4. The PD shall be served by publicly owned centralized water and sewer systems. Where feasible, reclaimed water from Gainesville Regional Utilities shall be used for irrigation throughout the development.
5. The applicant shall comply with all federal, state, and local laws, rules, regulations, and ordinances, now and hereafter in force, which may be applicable to the use of the site. Concurrency requirements for parks, drainage, stormwater management, solid waste, water and sewer, and mass transit shall be met as a condition of final development plan approval. Violation of any of the terms and conditions of this permit shall be grounds for suspension or revocation by the Board of County Commissioners.
6. Ten feet of additional right-of-way (R/W) shall be dedicated along the frontage of SW 24<sup>th</sup> Avenue and SW 122<sup>nd</sup> Street. The applicant shall provide sketches and legal descriptions of this property to allow for the proper deed preparation or the R/W must be dedicated with the platting of the appropriate phase of the development.
7. The developer shall be responsible for the construction of an eight-foot wide asphaltic concrete, off-street bike path on the south side of SW 24<sup>th</sup> Avenue and the east of SW 122<sup>nd</sup> Street across the entire frontage of the property. The applicant shall also be responsible for the construction of an eight-foot wide asphaltic concrete, off-street bike bath on the south side of SW 24<sup>th</sup> Avenue from the northwest corner of the property to the existing end of the bike path at SW 100<sup>th</sup> Street. The bike path construction may be phased with the construction of the development but the bike path phasing must be such that the bike path connection



is constructed along SW 24<sup>th</sup> Avenue, or SW 122<sup>nd</sup> Street to connect from the existing bike path at SW 100<sup>th</sup> Street to any vehicular access connection to SW 24<sup>th</sup> Avenue or SW 122<sup>nd</sup> Street.

8. An exclusive left-turn lane or a roundabout supported by an accepted roundabout justification report must be provided on SW 122<sup>nd</sup> Street at the primary entrance.
9. An exclusive right-turn taper, or a roundabout supported by an accepted roundabout justification report, must be provided for northbound traffic turning east into the development at the primary entrance on SW 122<sup>nd</sup> Street. The developer shall be responsible for conducting a speed study to determine if it is necessary to lower the posted speed on this section of SW 122<sup>nd</sup> Street as the Oakmont project begins to develop.
10. An exclusive left-turn lane, or a roundabout, must be provided on SW 24<sup>th</sup> Avenue at the primary entrance.
11. Both primary entrances must be designed to provide one ingress and two egress lanes (exclusive right- and left-turn lanes). Single ingress and egress lanes may be provided if shown as warranted in an accepted roundabout justification report.
12. The master plan must be revised to show a minor-access connection to SW 27<sup>th</sup> Avenue which is currently stubbed out of the west side of the Biltmore, Phase 2 development and at least two stub-out connections to the undeveloped properties south of this site.
13. The developer shall be responsible for the addition of a southbound left-turn lane at the SW 122<sup>nd</sup> Street approach to SW 24<sup>th</sup> Avenue.
14. Certificates for Level of Service Compliance be limited to ten years for the entire buildout and limited per phase in accordance with detailed traffic studies that show growth rates on the affected roadway segments. At the end of each phase, a trip generation audit be performed to validate the traffic study's findings and assumptions.
15. The developer shall construct a five (5) acre athletic field facility that will be accessible to the public and will be located within the subject site as depicted on the zoning master plan. The developer will convey this facility to the county upon the county's request.
16. The developer shall convey by warranty deed a twenty (20) acre parcel as depicted

on the zoning master plan to the School Board of Alachua County to be used only for the construction of a public elementary school

17. The developer shall notify all contractors and subcontractors involved in construction on this site that construction truck traffic shall be prohibited on SW 91<sup>st</sup> Street from SW 24<sup>th</sup> Avenue to Newberry Road.
18. The emergency ingress/egress, pedestrian/bicycle ingress/egress and vehicular egress on southwest 122<sup>nd</sup> street shall be provided prior to development of more than 250 total units within the development.
19. The primary access on Southwest 122<sup>nd</sup> Street shall receive a certificate of completion prior to the recording of the plat that contains the 500<sup>th</sup> unit.
20. The emergency ingress/egress and pedestrian/bicycle ingress/egress located on southwest 24<sup>th</sup> avenue shall be provided when the adjacent residential area is developed.
21. All other external vehicular connections will be provided when the adjacent portions of the planned development are approved.
22. At the option of the Oakmont developer, roadway improvements specifically required in Conditions 10 & 11 for the primary SW 24<sup>th</sup> Avenue entrance may be substituted for an appropriately designed and justified roundabout. A roundabout justification study shall be performed and submitted to county staff at the time of development plan review and in accordance with Florida Department of Transportation (FDOT) manual on Uniform Traffic Studies (MUTS).
23. The developer shall be responsible for the acquisition of any additional right-of-way (R/W) along the frontage of SW 24<sup>th</sup> Avenue or SW 122<sup>nd</sup> Street necessary for the installation of any roundabouts. The applicant shall provide sketches and legal descriptions of this property to allow for the proper deed preparation or the R/W must be dedicated with the platting of the appropriate phase of the development.
24. Builders shall be permitted to provide model homes within the PD consistent with ULDC Section 404.26 with the following exceptions: a maximum of 10 model homes may be provided at any time within the PD and model homes may be provided within the PD until such time as all residential units have been constructed.
25. Temporary community uses and events such as: block parties, concerts, fundraisers, farmer's markets, seasonal festivals, holiday celebrations, art shows, homeowners

association events or other related activities and events shall be permitted in the amenity center and amphitheatre areas of the PD. These temporary events may include private road closures. Public road closures are subject to approval by the Alachua County Public Works Department. Any residents impacted by road closures shall be notified a minimum of 2 weeks prior to the date of the event. No temporary event shall occur prior to 6 a.m. (including set up time) or later than 11:30 p.m. (including take down time). All signage for temporary events shall comply with Chapter 407, Article 3 (signs) of the Unified Land Development Code. Community events may not infringe on single family residential lots.

## **Bases**

1. **Section 402.89(a) of the Unified Land Development Code** states that an amendment to a planned development *“shall be considered minor where it will not cause an expansion to the existing use or additional impacts to surrounding properties, natural resources, or public infrastructure.”* The proposed amendment to the Oakmont PD is related to the timing of required road access construction and will not cause an expansion to the existing use or additional impacts to surrounding properties, natural resources or public infrastructure.
2. **Policy 1.4.1.3 of the Future Land Use Element** states: *“Planned developments, subdivisions, traditional neighborhood developments and transit oriented developments designed for phasing shall embody proper access, circulation, drainage, open space and utilities for each phase to ensure viability at all stages of development”*. The Oakmont PD is a 999 unit residential development with multiple phases. The upcoming phase will exceed the 500<sup>th</sup> unit, which will trigger the construction of the access road to SW 122<sup>nd</sup> St. The proposed amendment keeps this requirement in place; however, as worded, it grants the developer the ability to construct the road concurrent with the approval of the upcoming phase rather than being required to build the road completely prior to starting the approval process for the next phase.
3. **Policy 7.1.7 of the Future Land Use Element** specifically describes the development of parcel 04427-000-000. The proposed minor PD amendment is consistent with the requirements found in this policy, viz. that an overall development plan has been submitted for development within the (formerly) 480 acres comprising this parcel; that all development be connected to centralized

sanitary sewer and potable water supply; and that the parcel be developed at an average density of not more than two (2) dwelling units/acre.

## **Staff and Agency Comments**

### **Department of Environmental Protection**

No comment.

### **Department of Public Works**

No comment.

### **Transportation**

No comment.