



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

## **Application ZOM-11-19**

### **Application Details**

#### **Staff Contact**

Mehdi J. Benkhatar

#### **Staff Phone Number**

352-374-5249 ext. 2361

#### **Planning Commission Hearing Date**

September 18, 2019

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

November 12, 2019

#### **Requested Action**

A request to rezone from the R-1a (residential, 1 to 4 dwelling units per acre) district to the R-2 (residential, 4 to 8 dwelling units per acre) district.

#### **Property Owner**

Diocese of St. Augustine

#### **Property Description**

Address: None. (at intersection of NW 39<sup>th</sup> Ave./NW 63<sup>rd</sup> St.)

Parcel Number: 06183-000-000

Section/Township/Range: 28/9/19

Land Use: Medium Density Residential (Greater than 4, up to 8 dwelling units/acre)

Zoning: R-1a

Acreage: 9.15 +/-

#### **Previous Requests**

None.

## Zoning Violation History

None.

## Applicant/Agent

eda, inc.

## Project Timeline

- Submitted: July 17, 2019
- Staff Report Distributed: September 11, 2019
- Planning Commission Hearing: September 18, 2019

## Staff Recommendation

Staff recommends that the Board of County Commissioners approve ZOM-11-19, with the bases as listed in the staff report.

## Planning Commission Recommendation

Approve (4-2)

## Background



*Figure 1: Aerial map of site*



Figure 2: Zoning Map

## Site description

This application is a request to rezone from the R-1a (residential, 1-4 dwelling units/acre) zoning district to R-2 (residential, 4-8 dwelling units/acre) district on a parcel approximately 9.15 acres located along NW 39<sup>th</sup> Ave. If approved, the site would allow a higher density range for residential uses on this parcel and create consistency with the existing land use of Medium Density Residential (greater than 4, up to 8 dwelling units/acre).

To the north of the site is a 1 acre single family residence and the Greystone subdivision, both zoned R-1a with Low Density Residential (1 to 4 dwelling units/acre) land use designations. To the east of the site is NW 63<sup>rd</sup> St., an unpaved road, with single family residences and the North Gainesville Baptist Church across. These parcels have R-1a zoning and Low Density Residential land use designations. To the south of the site is a planned development intended for a skilled nursing facility (refer to CPA-06-17/ZOM-04-17) with Institutional land use and a single family residential parcel with R-1a zoning and Medium Density Residential (greater than 4, up to 8 dwelling units/acre) land use. To the west of the site is a panhandle shaped parcel that forms the access road for the aforementioned skilled nursing facility planned development, which has a stubout leading to the site.



Figure 3: Proposed Zoning Map

If approved, the R-2 zoning district would allow different uses than the R-1a district. Possible uses include either single or multi-family development, group housing (such as an assisted living facility) or a child/adult day care center.

## 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**

The residential density as allowed by the underlying land use of Medium Density Residential (greater than 4, up to 8 dwelling units/acre) will not change if this rezoning is approved. The proposed primary access to the site is from NW 63<sup>rd</sup> St. A secondary access point is planned to be located along the west of the site where a stubout for the skilled nursing facility has been designated. As NW 39<sup>th</sup> Ave. is a state road, modifications to the intersection (including discussion of traffic control devices) would require approval from the Florida Department of Transportation. The proposed primary access road is not currently up to county standards and would need to be improved. Discussion of the access road will be determined at the development review stage.

**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 service area is as follows:

- Initial unit response within 4 minutes for 80% of all responses within 12 months.
- Fire protection service level of ISO (Insurance Service Office) Class Protection 4 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 authorizes up to 37 additional residential units above the maximum allowed under the R-1a zoning district. If ZOM-11-19 is approved, the maximum number of residential units on this site would be 73. This would potentially generate up to 10 elementary/4 middle/ 5 high school students for single family development and 6 elementary/2 middle/2 high school students for multi family development.

## ***Recreation***

The proposed rezoning authorizes 37 additional residential units above those already permitted by the R-1a zoning district. This request, if approved, will not negatively affect the level of service for recreational needs.

## **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 proposed rezoning is consistent with the goals, objectives, policies and adopted maps of the Comprehensive Plan. The existing land use and zoning of the site are inconsistent. Rezoning to the R-2 district will resolve this inconsistency, as R-2 implements the Medium Density Residential land use (greater than 4, up to 8 dwelling units/acre).**

- 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 within the Urban Cluster and will be required to be served by centralized potable water and sanitary sewer systems. This rezoning authorizes up to 37 new residential units. The rezoning will not negatively impact the traffic level of service. Consistent with the Transportation Mobility Element, the Board of County Commissioners has adopted the Multi-Modal Transportation Mitigation program to fund transportation improvements necessary to support development in the Urban Cluster. Any development on the subject property will mitigate its impacts through this program.**

- 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 single family residences and two churches. The existing access road, NW 63<sup>rd</sup> St., is not up to county standards and will need to be upgraded in order to serve the development and other single-family residences that depend on it. Staff has not identified any environmental justice or redevelopment issues that would result from the proposed rezoning.**

- 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 request, if approved, will implement the future land use designation of Medium Density Residential (greater than 4, up to 8 dwelling units/acre). Any proposed development will be required to meet this density range.**

## **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 to the R-2 district is consistent with the underlying land use category of Medium Density Residential (greater than 4, up to 8 dwelling units/acre). Medium density residential development is compatible in this location due to its proximity to NW 39<sup>th</sup> Ave, a major arterial road running through the northwest portion of the county. The development pattern is marked by low and medium density land uses, interspersed with institutional uses along the south of NW 39<sup>th</sup> Ave. leading to I-75. Parcels adjacent to the west and south of this site have an Institutional land use (for a skilled nursing facility). Impacts from traffic have been identified and will require the applicant to make improvements to NW 63<sup>rd</sup> St. Adequate public services exist to serve the site. Access to the site will occur from NW 63<sup>rd</sup> St. with a secondary access from the adjacent skilled nursing facility planned development stubout. Staff has not identified any public health, safety or welfare issues that would result from the approval of this rezoning request.**

### **Planning Commission Recommendation**

The Planning Commission heard this application on September 18, 2019. Commissioners discussed impacts raised by neighbors at the meeting such as increased traffic on NW 63<sup>rd</sup> St. (and the Rutledge neighborhood as a whole), safety concerns and improvements made to the intersection of NW 39<sup>th</sup> Ave. and NW 63<sup>rd</sup> St. (an unpaved road) and compatibility with surrounding parcels. A motion to recommend approval of ZOM-11-19 to the Board of County Commissioners was approved by a vote of 4 yeas, 2 nays.

### **Staff Recommendation**

Staff recommends that the Board of County Commissioners **approve ZOM-11-19**, with the bases as listed in the staff report.

### **Bases**

- 1. The proposed rezoning will resolve an inconsistency that exists on the site between the land use category of Medium Density Residential and zoning of R-1a. The R-2 zoning district implements the Medium Density Residential land use as mentioned in Section 403.08 of the Unified Land Development Code.**

2. **Policy 1.3.8.4 of the Future Land Use Element** states “Medium density residential areas shall be located in the urban cluster.” The site is located in the urban cluster along NW 39<sup>th</sup> Ave. The proposed rezoning to R-2 (4 to 8 dwelling units/acre) is consistent with this policy.
3. **Policy 7.1.2 of the Future Land Use Element** provides criteria to consider for proposed changes to the zoning map. This application is consistent with the criteria of the policy. The rezoning will implement the underlying land use of Medium Density Residential. The site is located in the Urban Cluster and on a major arterial road (NW 39<sup>th</sup> Ave.) and is compatible with medium density residential uses. Potable water and sanitary sewer lines are available to serve future development at this site. Transportation impacts will be handled through the Multi-modal transportation mitigation (MMTM) program.
4. **Section 402.77 of the Unified Land Development Code** provides criteria and standards for rezoning applications. The criteria include consistency, compatibility, development patterns, suitability, adequate public services and access. The proposed rezoning meets the criteria and standards of this section. The rezoning is consistent with the underlying land use of Medium Density Residential (greater than 4, up to 8 dwelling units/acre). The site is compatible with medium density residential uses as it fronts a major arterial road (NW 39<sup>th</sup> Ave.) and is located within the Urban Cluster. The site is additionally compatible due to the similarity of intensity of medium density residential to neighboring land uses and development patterns. Development patterns are marked by low and medium density residential uses along NW 39<sup>th</sup> Ave. with Institutional uses interspersed, leading to the Park Avenue TND and the Springhills Activity Center and I-75 intersection. The site is suitable for medium density residential uses and will be required to make improvements to the existing road network to accommodate additional residents. Adequate public services exist to serve the site. A secondary access point will be required to connect to the stubout from the adjacent skilled nursing facility planned development. Staff have not identified any public health, safety or welfare issues that would result from the approval of this rezoning request.

## Staff and Agency Comments

## **Department of Environmental Protection**

No comment.

## **Department of Public Works**

PW has no issues to the Rezoning. The parcel has FEMA designated 100 year flood plain on the property. At DRC, access to the property will be evaluated and NW 63<sup>rd</sup> Street will need to be improved to public road standards. The stormwater and parking will be evaluated at DRC. A stub connection to the western parcel will need to be constructed in line with their approval.

## **Transportation**

This rezoning does not alter the density that is allowed by the underlying Future Land Use Designation and will, therefore, not result in additional traffic impacts beyond that allowed in Medium Density Residential. The applicant for any new development on the site will be required to undertake a full operational and safety analysis to ensure that any connection to State Road 222 is appropriately designed.