

# Alachua County

## Office of Planning and Development Staff Report

**Application Number: ZOM-05-11**

Staff Contact: Jerry Brewington, Sr. Planner 352-374-5249

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**Planning Commission**

**Hearing Date: July 20, 2011**

**Board of County Commissioners**

**Hearing Date: August 9, 2011**

**SUBJECT:** A request to rezone from the A (Agriculture) to A-RB (Agriculture/Rural Business) district.

**APPLICANT/AGENT:** Calvin LeClear

**PROPERTY OWNERS:** Calvin LeClear

**PROPERTY DESCRIPTION:** Address: 22211 W. Newberry Road  
Parcel Numbers: 01924-010-003  
Section/Township/Range: 2-10-17  
Land Use: Rural/Agriculture  
Zoning: A (Agriculture)  
Existing Use: Business  
Acreage: 1.25

**PREVIOUS REQUESTS:** None

**ZONING VIOLATION HISTORY:** None

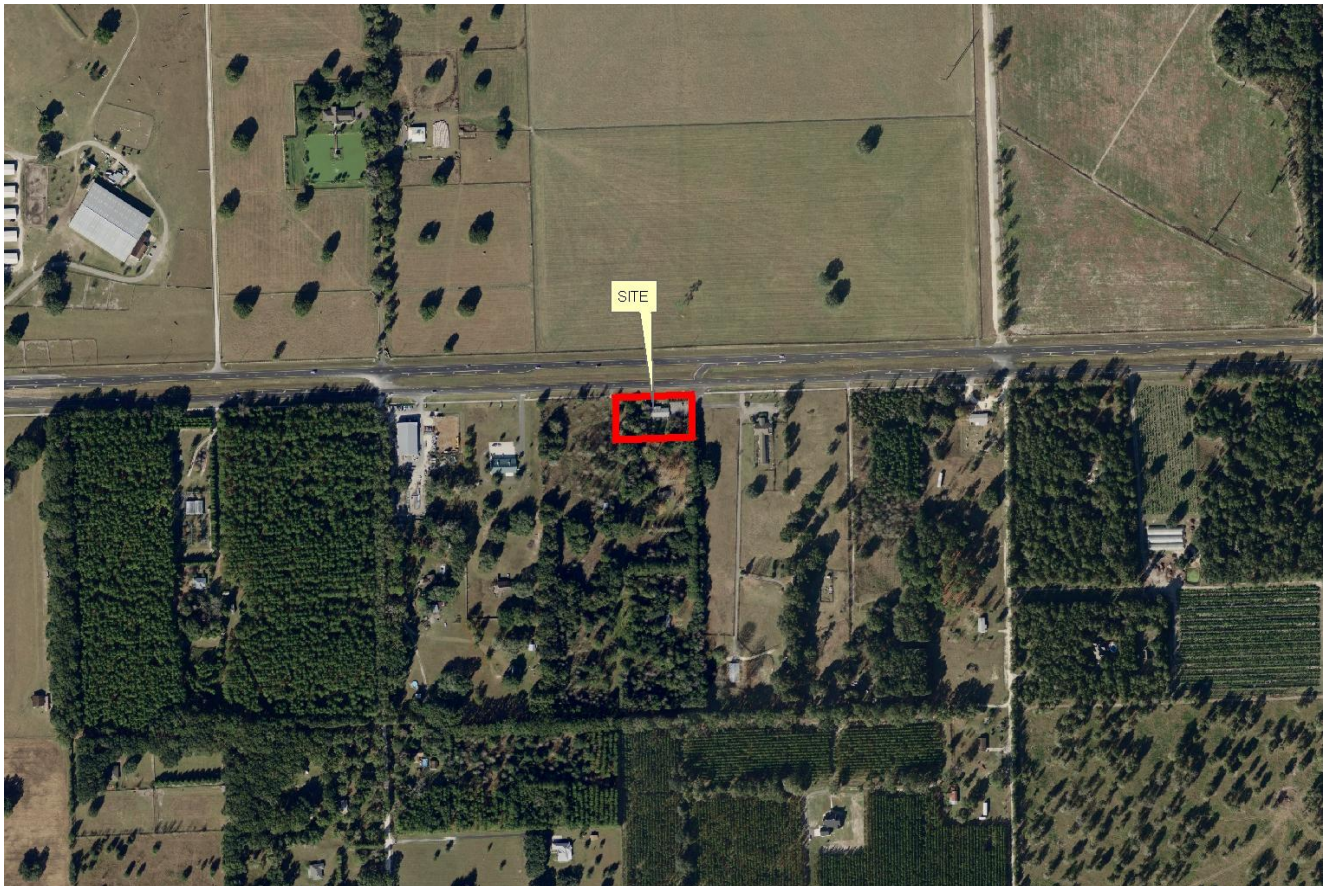
**STAFF RECOMMENDATION:** Recommendation for approval with bases found in the staff report.

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## Analysis of Request

### Background

This application is a request to rezone approximately 1.25 acres from the A (Agriculture) district to the A-RB (Agriculture/Rural Business) district. The A-RB zoning district allows for commercial or other uses on a limited scale serving or ancillary to agriculture activities. However, if approved, any of the allowed uses under the A-RB zoning designation would be permitted by right. The veterinary clinic presently located on the property is a legal, non-conforming use. Approval of the request would make the clinic a conforming use in the A-RB district.



**Figure 1: Aerial Map of the Parcel**

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### Comprehensive Plan Consistency

#### Future Land Use Element

The land use for the subject property is Rural/Agriculture.

**Policy 6.2** states that *areas designated Rural/Agriculture are for rural residential uses, home-based businesses, and agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, and agricultural products distribution.*

**Consistency:** The applicant is requesting to rezone the property from A (Agriculture) to A-RB (Rural/Agriculture). The A-RB zoning district is consistent with the Rural/ Agriculture land use designation as it is intended to provide for those commercial or other uses on a limited scale serving or ancillary to agricultural activities. A veterinary clinic can serve the surrounding agricultural area and the present clinic is an established use on the site.

**Policy 6.2.3** states that *stormwater facilities consistent with the level of service standards for drainage shall be required as a condition of new development.*

**Consistency:** Any commercial development on this site would require development plan approval by the Development Review Committee, which would include review of the drainage plan for consistency with this policy. The site is presently developed and no new stormwater facilities are anticipated as part of this request.

**Policy 6.2.5** states that *parcels containing natural resource areas as identified in the Conservation and Open Space Element shall be conserved in accordance with these policies, such that the natural functions of the resource area are not altered...*

**Consistency:** No natural areas exist on-site or surrounding this site that would be adversely impacted. As stated elsewhere, the site is already developed.

**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.*
- b. *the availability and capacity of public facilities required to serve the*

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*development.;*

- c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice.*
- 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.*

These policies state that proposed changes in the zoning map shall be considered in light of the availability and capacity of public facilities required to serve the development and the relationship of the proposed development to existing development in the vicinity. The area consists largely of agriculturally zoned parcels with a rural/agriculture land use designation. The rezoning of this parcel to A-RB will allow a variety of limited commercial uses related to agriculture to locate on this site. As shown in the LOS section of the staff report, the rezoning to A-RB will not impact LOS standards found in the Plan. The site presently contains a veterinary hospital. However, it should be noted that approval of the A-RB zoning designation will allow any of the permitted uses found in Section 404 of the ULDC. The proposed A-RB zoning category is consistent with surrounding land use and the nature of development in the area. The proposed rezoning is thus consistent with Policy 7.1.2 (a-d) of the Future Land Use Element.

### **CAPITAL IMPROVEMENTS ELEMENT**

**Levels of Service** – The Alachua County Comprehensive Plan Capital Improvements Element requires that 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 Policy 1.2.4 of the Capital Improvements Element of the Alachua County Comprehensive Plan, the following LOS Standards have been adopted for various types of public facilities.

#### **Traffic**

No impacts to traffic LOS are anticipated as a result of this request.

#### **Water and Sewer**

The property is served by well and septic tank.

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### **Drainage**

Policy 1.2.4 (D) states that the minimum drainage LOS standard for non-residential development requires a floor elevation of one (1) foot above the 100-year/critical duration storm elevation or the development must be floodproofed. There are no flood zone areas on this site. However, any development would be required to meet these drainage requirements at development plan review.

### **Emergency Services**

Policy 1.2.5 (A) states that the LOS Fire guidelines are as follows:

- Initial unit response within 4 minutes in the Urban Service Area for 80% of all responses within a 12 month period
- Fire suppression/protection service levels for all properties in the Urban Service Area shall be at the ISO (Insurance Service Office) Class Protection 4 or better.
- 100% of development shall provide water supply served by hydrants.

No additional impacts to emergency services are anticipated as a result of this request..

### **Mass Transit**

Policy 1.2.4 (F) states that the minimum LOS for 24 hour ambulatory and wheelchair service (24 hour basis) is 8 vehicles. ATC/Intelitran is providing 24 hour ambulatory and wheelchair service to the site at the minimum LOS standard. The site is not served by Regional Transit Service (RTS).

### **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. Any development at this site will be required to meet these minimum LOS standards as part of development plan approval.

### **Public Schools**

There will be no impact to public schools if this request is approved. The A-RB district does not permit residential development.

### **Recreation**

Recreation levels of service as provided in the Plan will not be impacted by this request. The proposed A-RB zoning district does not permit residential development.

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### **Land Development Regulation Consistency**

The rural-agricultural land use designation for this parcel permits only two zoning districts. The parcel is presently zoned 'A' (Agriculture) district, which permits a variety of agriculturally related activities as well as residential development at a density of one dwelling unit per five acres. The 'A-RB' (Agriculture/Rural Business) district permits non-residential uses intended to serve the surrounding agricultural area.

**Chapter 403, Article 2, Section 403.03(b)** defines the Agriculture Rural Business (A-RB) district as follows:

*The Agriculture Rural Business District (A-RB) implements the Rural/Agriculture designation on the Future Land Uses Map, and the policies of the Comprehensive Plan to provide for those commercial or other uses on a limited scale serving or ancillary to agriculture activities. Properties zoned A-RB shall front a paved publicly-maintained road and shall be located at least a mile from all other properties zoned A-RB.*

**Consistency:** This application is consistent with the Land Development Regulations cited above. The subject parcel is on Newberry Road, a paved publicly-maintained road and the property is located more than a mile from all other properties zoned A-RB.

**Section 403.04, and Table 403.04.1** states that lots zoned A-RB shall be a minimum of one acre and a maximum of three acres, shall have a minimum width at front building line of 250 feet and a minimum depth of 200 feet.

**Consistency:** The area proposed for rezoning is approximately 1.25 acres in size. Any additional development on the site will require a variance by the Board of Adjustment as the lot depth (125 feet) is less than that required under the A-RB standards.

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### Staff Recommendation

Staff recommends **approval** of ZOM-05-11 with the bases listed below.

#### Bases

**1. Policy 6.2** states that *areas designated Rural/Agriculture are for rural residential uses, home-based businesses, and agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, and agricultural products distribution.*

**Consistency:** The applicant is requesting to rezone the property from A (Agriculture) to A-RB (Rural/Agriculture). The A-RB zoning district is consistent with the Rural/ Agriculture land use designation as it is intended to provide for those commercial or other uses on a limited scale serving or ancillary to agricultural activities. A veterinary clinic can serve the surrounding agricultural area and the present clinic is an established use on the site.

**2. Policy 6.2.3** states that *stormwater facilities consistent with the level of service standards for drainage shall be required as a condition of new development.*

**Consistency:** Any commercial development on this site would require development plan approval by the Development Review Committee, which would include review of the drainage plan for consistency with this policy. The site is presently developed and no new stormwater facilities are anticipated as part of this request.

**3. Policy 6.2.5** states that *parcels containing natural resource areas as identified in the Conservation and Open Space Element shall be conserved in accordance with these policies, such that the natural functions of the resource area are not altered...*

**Consistency:** No natural areas exist on-site or surrounding this site that would be adversely impacted. As stated elsewhere, the site is already developed.

**4. 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.*
- b. *the availability and capacity of public facilities required to serve the development.;*

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- c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice.*
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These policies state that proposed changes in the zoning map shall be considered in light of the availability and capacity of public facilities required to serve the development and the relationship of the proposed development to existing development in the vicinity. The area consists largely of agriculturally zoned parcels with a rural/agriculture land use designation. As shown in the LOS section of the staff report, the rezoning to A-RB will not impact LOS standards found in the Plan. The rezoning of this parcel to A-RB will allow a variety of limited commercial uses related to agriculture to locate on this site. The site presently contains a veterinary hospital. However, it should be noted that approval of the A-RB zoning designation will allow any of the permitted uses found in Section 404 of the ULDC. The proposed A-RB zoning category is consistent with surrounding land use and the nature of development in the area. The proposed rezoning is thus consistent with Policy 7.1.2 (a-d) of the Future Land Use Element.

**5. Chapter 403, Article 2, Section 403.03(b)** defines the Agriculture Rural Business (A-RB) district as follows:

*The Agriculture Rural Business District (A-RB) implements the Rural/Agriculture designation on the Future Land Uses Map, and the policies of the Comprehensive Plan to provide for those commercial or other uses on a limited scale serving or ancillary to agriculture activities. Properties zoned A-RB shall front a paved publicly-maintained road and shall be located at least a mile from all other properties zoned A-RB.*

**Consistency:** This application is consistent with the Land Development Regulations cited above. The subject parcel is on Newberry Road, a paved publicly-maintained road and the property is located more than a mile from all other properties zoned A-RB.

**6. Section 403.04, and Table 403.04.1** states that lots zoned A-RB shall be a minimum of one acre and a maximum of three acres, shall have a minimum width at front building line of 250 feet and a minimum depth of 200 feet.

**Consistency:** The area proposed for rezoning is approximately 1.25 acres in size. Any additional development on the site will require a variance by the Board of Adjustment as the lot depth (125 feet) is less than that required under the A-RB standards.

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### Exhibit 1: Referenced Comprehensive Plan Policies and Zoning Regulations

#### **COMPREHENSIVE PLAN POLICIES**

##### ***FUTURE LAND USE ELEMENT***

*Policy 6.2 Areas identified for Rural/Agriculture on the Future Land Use Map are for rural residential uses, home-based businesses, and agricultural activities including forestry and other agricultural uses, such as cattle grazing, cultivation of field crops, vegetable crops, dairies and those commercial or other uses on a limited scale serving or ancillary to agricultural activities, such as farm equipment and supplies, sales or service, and agricultural products distribution...*

*Policy 6.2.3 Stormwater facilities consistent with the level of service standards for drainage shall be required as a condition of new development.*

*Policy 6.2.5 Parcels containing natural resource areas as identified in the Conservation and Open Space Element shall be conserved in accordance with those policies, such that the natural functions of the resource area are not significantly altered. This shall be accomplished either through clustering of new developments in accordance with Policy 6.2.9 through 6.2.14 below, or for developments of less than 25 lots that might not be clustered in accordance with these policies, through a development plan that assures the permanent protection of natural resources consistent with the requirements of the Conservation and Open Space Element; the land development regulations shall detail the requirements*

*for management and permanent protection of the ecological value of natural resources in those developments that are not clustered through legally enforceable mechanisms that provide protection of those resources equivalent to the protection under Policies 6.2.12.3 through 6.2.12.5..*

*Policy 7.1.2. Proposed changes in the zoning map shall consider:*

- a. consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan.*
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- c. *the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice.*
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### **Land Development Regulations**

#### **Article 2     Rural/Agricultural Districts**

#### **403.03     Rural/Agricultural District Descriptions**

...

#### **(b) Agricultural Rural Business (A-RB) District**

*The Agricultural Rural Business District (A-RB) implements the Rural/Agriculture designation on the Future Land Use Map, and the policies of the Comprehensive Plan to provide for those commercial or other uses on a limited scale serving or ancillary to agricultural activities. Properties zoned A-RB shall front a paved publicly-maintained road and shall be located at least a mile from all other properties zoned A-RB.*

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### 403.04 Rural/Agricultural Zoning District Requirements

All development and divisions of land meeting the gross residential density in a Rural/Agricultural zoning district shall comply with the requirements of Table 403.04.1, Standards for Rural/Agricultural Zoning Districts. Dimensional standards for Rural/Agriculture clustered subdivisions are found in Table 407.78.1 of Chapter 407.

Table 403.04.1 Standards for Rural/Agricultural Zoning Districts

	1 unit per 5 acres	N/A	1 unit per 40 acres	1 unit per 20 acres	1 unit per 5 acres
Maximum residential density	1 unit per 5 acres	N/A	1 unit per 40 acres	1 unit per 20 acres	1 unit per 5 acres
Area, min (acres)	3	1	40	20	5
Area, max(acres)	N/A	3	N/A	N/A	N/A
Width at front building line, min (ft) <sup>1</sup>	250	250	500	400	250
Depth, min (ft)	250	200	500	250	250
Maximum building coverage (percent of gross land area)	20%	20%	5%	5%	20%
Building Height	Unlimited <sup>2</sup>	Unlimited <sup>2</sup>	Unlimited <sup>2</sup>	Unlimited <sup>2</sup>	Unlimited <sup>2</sup>
<b>Setbacks<sup>3</sup></b>					
Front, min (ft)	40	40	100	100	40
Rear, min (ft)	40	40	100	100	40
Interior side, min (ft)	20	20	100	100	20
Street side, min (ft)	40	40	100	100	40
Rear lot line setback - accessory buildings, min (ft)	25	25	50	50	25

N/A= Not Applicable

<sup>1</sup>The minimum lot width shall not apply to lots that front on a curved street or the curved portion of a cul-de-sac street provided the lot complies with all other lot and setback requirements.

<sup>2</sup>Building heights are unlimited with the exception of residential structures, which shall not exceed 35 feet in height.

<sup>3</sup>Buildings used for processing, packaging, and agricultural sales, dairy barns, hog pens, poultry houses, kennels or stables shall not be less than 100 feet from all lot or property lines.

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### **Exhibit 2 – Staff and Agency Comments**

**Department of Environmental Protection: No comments**

**Department of Public Works: No comments**