



Alachua County Development Review Committee Staff Report

Project Number: DR23-000042

Preliminary and Final Development Plan for Sol Acres Rural Agricultural Subdivision

SUBJECT: Sol Acres rural Agricultural Subdivision

DESCRIPTION: 7-lot Rural Agricultural Subdivision

AGENT/APPLICANT: JBPro, Inc.

PROPERTY OWNER: Bruce Sherman

PROPERTY DESCRIPTION:

Location	7711 NW 156 th Ave
Parcel Numbers	05832-000-000
Land Use	Rural/Agricultural
Zoning	Agriculture (A)
Acreage	± 39.22 acres

CHRONOLOGY:

Application Submittal	07/31/2023
Insufficiency Report Sent	08/21/2023
Application Resubmitted	10/02/2023
Insufficiency Report Sent	10/20/2023
Application Resubmitted	10/30/2023
Sufficiency Determination	11/15/2023
Preliminary and Final Development Plan Hearing	12/07/2023

STAFF RECOMMENDATION: Recommend **approval with conditions** of the Preliminary and Final Development Plan for Sol Acres. Recommend the DRC recommend approval of the plat to the BoCC.

DRC ACTION AND RECOMMENDATION: **Approved with conditions** the Preliminary and Final Development Plan for Sol Acres Rural Agricultural Subdivision and **recommended approval of the Plat to the BoCC.**

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DESCRIPTION OF PROPOSED PLAN:

This application proposes a Preliminary and Final Development Plan for a seven-lot Rural Agricultural Subdivision on approximately 39.22 acres with associated infrastructure improvements. Unified Land Development Code Chapter 407, Article VIII Subdivision Regulations requires that a parent parcel, existing as of October 2, 1991, shall not be divided into more than nine lots without clustering residential development, and all subdivisions must provide paved public road access and internal paved roads that meet County Standards in Section 407.141, with certain exceptions.

One exception is provided in Section 407.76 *Subdivisions with no more than nine (9) lots in the rural agricultural area*, which allows DRC approval of a subdivision with an internal private easement road. There has not been a split of the proposed subdivision's parent parcel. Therefore, the proposed seven-lots can be created without exceeding the nine-lot threshold for clustering or providing paved roads.



Figure 1 – Aerial Image of Parcel 05832-000-000

CONSISTENCY ANALYSIS:

Following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan and Land Development Regulations.

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COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT

Objective 6.2 provides for rural residential uses in the Rural/Agriculture area. The project proposes single-family detached units. Policy 6.2.10 states that the overall development density for the Rural/Agriculture land use category shall not exceed the maximum gross density of one dwelling unit per five acres. The project proposes 7 lots on 39.22 acres, which is a gross density of 1 dwelling unit per 5.6 acres.

Policy 6.2.7 states that the DRC shall not authorize more than 150 lots smaller than eight acres in the Rural/Agriculture area in any calendar year except for lots that are clustered. All 7 of the proposed lots will be less than eight acres in this subdivision. As of the date of this hearing there have only been two subdivision applications (Sol Acres and Lerner) proposed within this calendar year for a total of 11 lots. Staff will continue to track the number of lots in the Rural/Agriculture area.

UNIFIED LAND DEVELOPMENT CODE:

ZONING DISTRICT AND USE REGULATIONS

The proposed development carries the Agriculture (A) zoning district and the proposed use of single-family detached dwellings is consistent with the *Use Table in Chapter 404 of ULDC*.

Table 403.04.1 provides standards for lots within the Agricultural zoning district. The maximum gross residential density is 1 dwelling unit per 5 acres; the minimum allowable lot size is 3 acres. The proposed subdivision complies with this requirement.

The applicant was required to record a form in the public record to comply with Florida Statute 163.3163. An applicant for non-agriculture land contiguous to sustainable agricultural land must sign and officially record a written acknowledgement of being contiguous sustainable agricultural land. The applicant provided a copy of the recorded form on October 2, 2023.

NATURAL AND HISTORIC RESOURCES PROTECTION

CONSERVATION AREAS

Environmental Protection Department Staff visited the site on September 28, 2023 and identified a small portion of a wetland that is present on the southwestern corner of the property. The preliminary and final development plan and plat identify this wetland as well as a 75-foot wetland buffer.

CONSERVATION MANAGEMENT AREAS AND MANAGEMENT PLAN

The plans identify typical Conservation Management Area signage to delineate the wetland buffer from the remaining portion of Lot 3. A note has been added to page 3 of

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the subdivision's plat document describing the activities prohibited within the wetland and wetland buffer.

Two unique conditions have been applied to this application pertaining to wetland area.

OPEN SPACE

Comprehensive Plan 2019-2040 Conservation and Open Space Element Policy 5.2.5 states that after conservation requirements are met, Rural Agricultural Subdivisions are not required to provide additional Open Space. There are no conservation areas associated with this site, and therefore no Open Space is required.

TREE PRESERVATION

Article 2, Chapter 406 requires that a minimum of 20 percent of the existing tree canopy is retained.

The property is mostly open pasture. Most of the tree canopy exists along the boundaries of the 39.22 acre parcel. There are groupings on proposed Lot 1 and proposed Lot 7. The tree canopy plan sheet identifies only six (6) total trees to be removed to allow for the construction of the internal private road, which will run north/south, roughly directly down the center of the existing parcel. The plan identifies approximately 98% of the existing canopy to be retained.

The forester identified linear groupings of trees on the northern property boundary, east of the proposed roadway, and near the southern boundary of proposed Lot 7, east of the proposed roadway, that require additional protection. Tree easements are shown on the plat, identifying these areas to be retained with no impacts.

GENERAL DEVELOPMENT STANDARDS

SETBACKS AND HEIGHT RESTRICTIONS

Table 403.04.1 Standards for Rural/Agricultural Zoning Districts lists the setbacks and height restrictions for the subject property. The setbacks are 40-foot front, 40-foot rear, 20-foot interior side, and 40-foot street side.

The proposed plans identify these setbacks on the cover sheet and on sheet C2.0 Master Plan. The plat includes the standard note to "Contact Alachua County Growth Management for any and all setback requirements prior to beginning lot construction."

Table 403.04.1 lists height restrictions for the Rural/Agriculture district as unlimited except for residential structures, which are limited to a maximum of 35 feet. This information is included on the cover sheet.

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LANDSCAPING AND BUFFERING

There are no required buffers for the rural/agricultural subdivision with less than nine lots. A landscape plan was submitted to note the removal of invasive vegetation and to show the tree easements on lot 7. Additionally, ULDC 407.41(n) *Landscaping and planting plan objectives* exempts Rural/Ag subdivisions with unpaved roads from the requirement to provide 30 percent tree canopy coverage in 20 years

SIGNAGE/RESIDENTIAL SUBDIVISION ENTRY STRUCTURES

There is no proposed entry sign.

STREET NETWORK STANDARDS

Subsection 407.76(c) requires subdivisions with no more than nine lots in the rural agricultural area to connect to a public roadway consistent with subsection 407.414(b) *Excluded facilities*. This subsection lists private roads as excluded from the definition of a street, provided that the following occur:

- (1) *Estimated average daily traffic does not exceed four hundred (400) trips at full development for multiple-family or one hundred twenty-five (125) trips for single-family detached lots.*

ADT does not exceed 125 trips for the single-family detached lots.

- (2) *Appropriate provisions are made for the private maintenance of these areas.*

HOA documents are included, and a note is on the plat establishing the private maintenance of the internal road.

- (3) *These areas serve only those lots adjacent to the common areas or easements.*

The internal private roads road only serves lots of the proposed subdivision.

- (4) *The maximum distance from the public street road to the most distant lot or parking space in the common area or easement as measured along the centerline of the access way or driveway is no greater than one thousand (1,000) feet.*

The internal private road is approximately 972 feet.

- (5) *Such access ways, alleys, driveways and associated parking areas shall meet the existing off-street parking requirements of Alachua County, as well as criteria established in this Article. The minimum width of pavement for this access shall be ten (10) feet for ADT less than two hundred (200) and sixteen (16) feet for ADT greater than two hundred (200).*

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The internal private road is 20 feet wide.

(6) For private roads in rural residential subdivisions with fewer than ten (10) lots, the road shall have a traveled width of eighteen (18) feet with a minimum LBR of thirty-five (35), two-foot stabilized shoulders and a minimum depth of six (6) inches for the stabilized area. Private roads may be paved. Private roads shall be in an easement or common area not less than forty (40) feet in width. Drainage for private roads shall be designed to meet the requirements of this ULDC.

The internal private road is 20 feet wide, and the easement is 45 feet wide.

The plan indicates that the internal private road complies with the above. In addition, the plan includes the elements required by subsection 407.76(g).

PUBLIC SCHOOL FACILITIES

The Alachua County School Board staff has reviewed the proposed development for student impacts for compliance with the school concurrency management program in accordance with the Inter Local Agreement and determined that adequate school facilities are available in the affected School Concurrency Service Areas (SCSA). This capacity determination dated August 8, 2023 is based on findings that this project will require one (1) elementary school student stations in the NW Alachua SCSA, zero (0) middle school student stations in the SCSA, and one (1) high school student stations in the Santa Fe SCSA.

The School Board in accordance with their Policy 5120-Assignment Within District will determine specific school assignment for students living in the development area. Student Assignment Rules states "The Superintendent may assign or reassign students on a case by case basis to schools or programs located in or out of their assigned zone, for the health, safety, or welfare of the students, other students or staff." No assurances are given that the assignments will be made to the most closely located, or currently zoned, facilities. The provision of services to students in the development area may require redrawing of attendance zone lines, reassignment and busing to facilities elsewhere in the District, the use of temporary facilities, and/or the relocation of specific educational programs.

CONCURRENCY

A Final Certificate of Levels of Service Compliance (CLSC) for all public facilities will be issued upon Final Development Plan Approval and will be valid for one year. Provided that construction has commenced within the allowable period, the project shall have reserved capacity for a period of no more than two years from commencement of construction.

PLAT REQUIREMENTS

For plat submittals, documents must meet standards in Section 407.83, and Sections 407.84 and 407.87 where applicable.

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The plat document meets the minimum requirements set forth in Chapter 177 of Florida State Statutes and Chapter 402 Article 12 of the Unified Land Development Code of Alachua County.

STATE AND FEDERAL PERMIT

The issuance of a state or federal permit shall not obligate the County to grant approval of any local permit and shall not be deemed to satisfy the requirements of the ULDC. As well, the issuance of this permit does not indicate that Alachua County believes that the applicant has all federal and state permits necessary prior to commencing construction.

Because §125.022(4), F.S. makes it hard for local governments to coordinate their permitting activities with state and federal permitting agencies, the applicant is advised that conflict with a subsequently issued state or federal permit may cause a need to apply for an amendment to this development plan approval.

Upon approval of a development plan, the applicant shall obtain all required state and federal permits prior to commencement of the development. Upon issuance of a required state or federal permit, the applicant shall furnish a copy of such permit to the applicable County department.

DEVELOPMENT PLAN EXPIRATION:

According to Section 402.47(b) *Time limitation for expiration of development plans*, an approved Final Development Plan shall expire unless a complete application for a construction, building or other required permit has been accepted by the appropriate reviewing department within 12 months of the date of final approval and that such development is continuing in good faith. Applications for extension of time limit may be processed pursuant to Article 6 or Article 10 of Chapter 402 of the ULDC.

PLAT EXPIRATION:

According to Section 402.61, approval of a plat shall expire without further action of the BoCC unless the plat has been recorded within two (2) years of the date of BoCC approval of the plat. In order to avoid expiration, all plat documents outlined in subsection 402.60(a) above must be complete and accepted by the County to obtain the signatures of county officials at least thirty (30) days prior to the two-year expiration date.

STAFF RECOMMENDATION

Staff found the proposed Preliminary and Final Development Plan and Plat to be consistent with the Comprehensive Plan and requirements of the Unified Land Development Code.

Staff recommended **approval with conditions** of the Preliminary and Final

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Development Plan for Sol Acres Rural Subdivision recommend **approval of the Plat to the BoCC.**

DRC ACTION AND RECOMMENDATION

Approved with conditions the Preliminary and Final Development Plan for Sol Acres Rural Agricultural Subdivision and **recommended approval of the Plat to the BoCC.**

CONDITIONS

1. The initial building permit for lot 3 cannot be issued until a Notice of Regulated Conservation Resources is signed, notarized, and filed with the Alachua County Clerk of Court [Section 406.103(s), ULDC].
2. The CMA sign shall be installed prior to Certificate of Completion of the Construction Permit. [Chapter 406.103 ULDC].
3. The applicant shall obtain all required state and federal permits prior to commencement of the development. Upon issuance of a required state or federal permit, the applicant shall furnish a copy of such permit to the applicable County department.
4. Any utility changes that affect the approved development plan will require additional approvals by Alachua County subject to the Unified Land Development Code.
5. Prior to the installation of a new permanent irrigation system or addition to an existing system, an irrigation plan must be submitted to and approved by the Alachua County Environmental Protection Department through the [Alachua County Citizenserve Portal](#). The irrigation system shall comply with the Landscape Irrigation Design and Maintenance Standards found in Article VI of Part II, Title 7, Chapter 77 of the Alachua County Code. Temporary systems are exempt from the design standard requirements but must register through the Portal.