



Alachua County Development Review Committee Staff Report

Project Number: DR24-000001

Preliminary and Final Development Plan and Plat for Potano Woods Rural Subdivision

SUBJECT: Potano Woods Rural Subdivision

DESCRIPTION: 3-lot Rural Subdivision

AGENT/APPLICANT: JBPro, Inc.

PROPERTY OWNER: Johnathan A. and Doris G. Feguson

PROPERTY DESCRIPTION:

Location: 7011 SW 170th Street
Parcel Numbers: 04514-000-000
Land Use: Rural/Agriculture
Zoning: Agriculture (A)
Acreage: 16.06

CHRONOLOGY:

Application Submittal: 01/02/24
Insufficiency Report Issued: 01/22/24; 06/03/24;
Application Resubmittal: 05/06/24; 07/01/24;
Sufficiency Determination: 07/31/24
Preliminary/Final Development Plan Hearing: 08/15/2024

STAFF RECOMMENDATION:

Recommend **approval with conditions** of the Preliminary and Final Development Plan for Potano Woods Rural Agricultural Subdivision.

Recommend **the DRC recommend 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 3-lot Rural Subdivision on approximately 16.06 acres. 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 the County standards in Section 407.141, with certain exceptions.

Such an exception is provided in Section 407.76 *Subdivisions with no more than nine (9) lots in the rural agricultural area*, which allows for DRC approval of the creation of a subdivision without paved public road access, and with an internal private easement road. The proposed three lots do not exceed the 9-lot threshold.

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.

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 3 lots on 16.06 acres, which is a gross density of 1 dwelling unit per 5.34 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 three of the proposed lots will be less than eight acres in this subdivision. This application is the first one for a non-clustered subdivision this calendar year. 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*.

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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.

GENERAL DEVELOPMENT STANDARDS

Building setbacks were evaluated for consistency with Agriculture zoning district standards of Table 403.04.1 *Standards for Rural/Agricultural Zoning Districts*. The proposed plat references the property line setbacks established in the ULDC for the Agriculture zoning district, which requires a minimum front setback of 40 ft., minimum rear setback of 40 ft., and minimum side setbacks of 20 ft. Accessory buildings must be set back at least 25 ft. from the rear property line.

NATURAL AND HISTORIC RESOURCES PROTECTION

CONSERVATION AREAS

There are no conservation areas associated with this site.

OPEN SPACE

Section 407.52 *Minimum open space requirement (b)* states that rural agricultural subdivisions with unpaved roads as addressed in Sec. 407.76 shall not be required to provide open space beyond the conservation management areas required.

There are no conservation areas associated with this site and therefore Open Space is not required.

TREE PRESERVATION

Retention of a minimum of 20 percent of the existing tree canopy is required per Sec. 406.12 *Tree Protection Standards*.

Since Open Space is not required in this subdivision, tree canopy is shown to be preserved on proposed lots within "Tree Canopy Retention Easements". Twenty percent of the existing canopy is protected within these easements. In order to convey that tree removal is not permitted within the Tree Canopy Retention Easements, notes have been provided on the plat that state the following:

- *Any tree within the Tree Canopy Retention Easements shall not be removed unless diseased or dead, or authorized by the County for removal per Article 2 of Chapter 406 Trees and Native Vegetation.*
- *Removal of any tree of regulated size will require a permit from Alachua County.*

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- *All building permits including primary structures, accessory structures, outdoor kitchens, pools, or enclosures will be required to go through pre-application screening prior to any type of permit application, and it will be determined at that time if a survey of the easement and tree barricades will be required. If a survey of the easement and tree barricades are required, then they shall be installed and inspected prior to commencement of construction. Trees within the Tree Canopy Retention Easements shall be protected to the drip line.*
- *No structures shall be permitted within the Tree Canopy Retention Easements.*

LANDSCAPING AND BUFFERING

Subdivisions with no more than 9 lots in the Rural Agricultural area are exempt from the requirements of Sec. 406.12(a)3 for demonstration that 30 percent of the site will be under mature tree canopy in 30 years. No property boundary buffers are required, and no landscaping is required or proposed.

STREET NETWORK STANDARDS

The subject property fronts SW 170th Street. The County requires connection to the public road (i.e., SW 170th St) and stipulates that *Subdivisions with no more than nine lots in rural agriculture area must provide* an internal road for the lots in the subdivision to access a public roadway (Sec. 407.76). Exceptions are provided for in subsection (d).

Subsection (d) states that individual or shared driveways that provide direct access from any lots to a public roadway may be allowed subject to the following relevant provisions:

2. Subdivisions of three lots or less that have frontage on a public roadway may provide direct connection to the roadway utilizing individual or shared driveways.
3. Total connections to public roadways, including internal roads in accordance with Subsection (c) and individual or shared driveways, shall be limited to two per subdivision and shall meet the standards of Article 13 of this Chapter.

Per the exceptions provided for in subsection (d), this subdivision proposed two access points – an existing one serving Lot 1 and a shared driveway (internal road) serving Lots 2 and 3.

WATER AND WASTEWATER SERVICES

The development is located within the rural area of the County and each lot will be served by private well and septic tanks, which will be individually permitted by the Alachua County Health Department, consistent with Policy 7.1.4 and Policy 7.1.4.1. of

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the Potable Water and Sanitary Sewer Element of the Comprehensive Plan.

STORMWATER MANAGEMENT

No stormwater management system is required or proposed.

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).

School Board staff has determined that the proposed three lots will generate an insignificant number of students (less than one per elementary, middle, and high school) and is exempt from concurrency.

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

The proposed plat 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.

According to Sec. 402.61 *Expiration*, 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

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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.

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), an approved final development plan or phase of a development plan shall expire unless a construction, building or other required permit has been issued within 12 months of the date of final approval. Applications for extension of time limit may be processed pursuant to Article 6 of Chapter 402 of the ULDC.

STAFF RECOMMENDATION:

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

Staff recommends **approval with conditions** of the Preliminary and Final Development Plan for Potano Woods Rural Subdivision.

Staff recommends that **the DRC recommend approval** of the Plat to the Board of County Commissioners (BoCC).

Condition of approval:

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1. Pre-application Screening (PAS) will be required for each lot in order to enforce the following requirements:
 - a. Any tree within the Tree Canopy Retention Easements shall not be removed unless diseased or dead, or authorized by the County for removal per Article 2 of Chapter 406 Trees and Native Vegetation. Removal of any tree of regulated size will require a permit from Alachua County.
 - b. All building permits including primary structures, accessory structures, outdoor kitchens, pools, or enclosures will be required to go through pre-application screening prior to any type of permit application, and it will be determined at that time if a survey of the easement and tree barricades will be required. If a survey of the easement and tree barricades are required, then they shall be installed and inspected prior to commencement of construction. Trees within the Tree Canopy Retention Easements shall be protected to the drip line.
 - c. No structures shall be permitted within the Tree Canopy Retention Easements.