



Alachua County Development Review Committee Staff Report

Project Number: DR23-000051

Final Development Plan and Plat Review for 108 Acres Rural Cluster Subdivision

SUBJECT: 108 Acres
DESCRIPTION: Rural Ag Cluster subdivision for 24 lots
AGENT/APPLICANT: eda, inc.
PROPERTY OWNER: Govinda Romero, Optilives LLC, and Pankaj Singh

PROPERTY DESCRIPTION:

Location 9746 W State Road 235
Parcel Numbers 05726-001-000, 05727-003-002, 05727-003-003,
05727-003-000
Land Use Rural/Agriculture
Zoning Agriculture
Acreage ± 95 Acres

CHRONOLOGY:

Preliminary Development Plan Approved 08/03/2023
Application Submittal 10/02/2023
Insufficiency Reports Sent 10/27/2023, 03/26/2024, 05/31/2024
Sufficiency Determination 07/31/2024
Final Development Plan Hearing 08/15/2024

STAFF RECOMMENDATION: Recommend **approval with conditions** of the Final Development Plan for 108 Acres Rural Cluster Subdivision and **recommend approval** of the plat to the BoCC.

DRC ACTION:

Recommended approval of the plat to the BoCC.

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DESCRIPTION OF PROPOSED PLAN:

This application proposes a Final Development Plan for a 24-lot rural cluster subdivision on approximately 95 acres with associated infrastructure improvements. The rural cluster subdivision allows for smaller lot sizes and greater density than is typically allowed in the Rural/Agriculture zoning district. These bonuses are allowed when developments cluster developable area to protect large areas of agriculture land or conservation area in permanent protection. These properties are located on W State Road 235 northeast of the City of Alachua.

The purpose of the Final Development Plan is for the developer to present the fully engineered final development plan to the Development Review Committee (DRC) for review. The final development plan shall be consistent with the approved preliminary development plan, other applicable provisions of this Unified Land Development Code (ULDC), and the Comprehensive Plan. The final development plan shall contain all items necessary to demonstrate compliance with this ULDC and Comprehensive Plan.

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

Policy 6.2.9 Clustering

The preferred design for new rural residential subdivisions is that they be clustered in order to protect the characteristics and features of rural areas through the following goals:

- (a) Protect natural and historic resources.*
- (b) Support continued agricultural activities by preserving viable soils and effective land masses.*
- (c) Minimize land use conflicts.*
- (d) Provide recreational and habitat corridors through linked open space networks.*
- (e) Achieve flexibility, efficiency, and cost reduction in the provision of services and infrastructure.*
- (f) Reduce natural risks to life and property.*

The contiguous 41.20-acre area in the north of the site is a large wetland that spans across multiple properties. The proposed lots are clustered to the south of the wetland in accordance with Policy 6.2.9 to protect natural resources.

Policy 6.2.10 Density and Intensity

The overall development density shall not exceed the maximum gross density of one dwelling unit per five acres for the Rural/Agriculture land use category,

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except as a result of the provisions for accessory dwelling units found in Policy 6.2.10.1, family homestead exceptions found in Policy 6.2.14(c), temporary permits issued by the Growth Management Department or as a result of incentive bonuses for clustering as provided under subsection (d) below, subject to the resource protection standards in the [Conservation and Open Space Element](#). These standards include the following requirements:

- (a) *Impacts to wetlands and surface waters shall be avoided, minimized, and mitigated in accordance with [Conservation and Open Space Element](#) Policies 4.7.4. and 4.6.6.*
- (b) *Density and open space requirements for new rural residential subdivisions shall be consistent with requirements for adequate protection of conservation areas in [Conservation and Open Space Element](#) Objective 3.6.*
- (c) *Development of property that is determined to be a strategic ecosystem shall require a special area plan pursuant to [Conservation and Open Space Element](#) Objective 4.10 unless it is determined that sufficient protection can be achieved through clustering.*
- (d) *As an incentive to cluster new residential subdivisions, if a new residential subdivision in the Rural/Agriculture area is clustered with a minimum of 50% of the development in open space, a total of 2 units in addition to the number units based on the gross density of 1 unit per 5 acres are allowed, plus 1 additional unit per every 10 acres of conservation area set aside as open space; plus 1 additional unit per every 20 acres non-conservation area set aside as open space.*

The overall development density allowed in the Rural/Agriculture land use category is one dwelling unit per five acres. The project is 95.08 acres which allows for 19 units based on the gross density. A total of two additional units are allowed if the subdivision is clustered and 50 percent of the development is open space. The applicant has provided open space greater than 50 percent, therefore two additional units are permitted. An additional unit is allowed per 10 acres of conservation area set aside as open space. The applicant has provided 41.20 acres of conservation area within the open space, therefore, a total of four additional units are permitted. The combination of these incentives brings the permitted number of units to 25. The Final Development Plan proposes a total of 24 units and therefore is consistent with Policy 6.2.10 of the Future Land Use Element and the approved Preliminary Development Plan.

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	Acreage	Units
1 unit per 5 acres	95.08	19
Bonus units for clustering and 50% open Space		2
1 unit per 10 acres of conservation set aside	41.17	4
Total Permitted		25
PDP Proposal		24

Policy 6.2.11 Design Sequence. The design of Rural/Ag Clustered Subdivisions shall be sequenced according to the following four-step process:

- a) Identify open space area, including natural resources consistent with Conservation and Open Space Element Section 3, agricultural areas, and potential open space network connections consistent with Conservation and Open Space Element Section 6.3.*
- b) Identify developed area and locate home sites*
- c) Align streets and trails*
- d) Delineate lot lines*

The site was analyzed for appropriate Open Space in relation to the wetlands and buffers in the north of the site as well as the existing topography of the site. Open Space is located within the Conservation area in the northern portion of the site and will also consist of non-conservation Open Space and one stormwater management facility. This is analyzed further in the Open Space section of the staff report.

Areas outside of the Open Space provide for protection of a 64" live oak, the developable area, and infrastructure. The roadway network was analyzed for appropriate future connections to adjacent properties to the west and east.

Policy 6.2.14 Applicability

- (a) New rural residential developments of 10 or more lots shall be developed as clustered rural residential subdivisions in accordance with the policies and requirements under this section and implementing land development regulations.
- (b) New rural residential subdivisions meeting all requirements for cluster development may be allowed through the development review process, provided they are consistent with Comprehensive Plan policies and land development regulations.

The subdivision is required to develop as a Clustered Rural Residential Subdivision because it proposes more than 10 lots. The Final Development Plan is consistent with Policy 6.2.14 and the approved Preliminary Development Plan.

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UNIFIED LAND DEVELOPMENT CODE:

ZONING DISTRICT AND USE REGULATIONS

The Open Space in 108 Acres Rural Cluster Subdivision consists of conservation areas (41.2 acres; 43.3 percent), non-conservation open space (6.8 acres; 7.1 percent), and one stormwater management facility (approximately 1.30 acres; 0.02 percent).

ULDC §407.78 *Rural/agriculture clustered subdivision design process* provides criteria to implement the design sequence of Comprehensive Plan Policy 6.2.11.

- (a) *Identify developable area and locate lots* – Lots and roads are shown south of the conservation area. Another requirement of this section [407.78 (a)(4)] is that the developed area shall be designed to minimize the visibility of structures from public roadways located at the perimeter of the subdivision through the use of one or more of the following techniques:
- a. *Centralizing the developed area in the interior of the property;*
 - b. *Use of extensive setbacks from the perimeter*
 - c. *Use of roadway alignments that minimize visibility;*
 - d. *Use of buffering, including the planting of additional trees and vegetation;*
 - e. *Use of fences and walls*
 - f. *Retention of trees and understory on individual lots*

The Final Development Plan is consistent with the PDP and provides a 10-foot collector street buffer on the southern boundary along W State Road 235 as well as a 110-foot tree protection easement, providing a setback of 120 feet from the roadway.

- (b) *Buffering of conservation and preservation areas* – When located adjacent to a conservation or preservation area, a clustered rural residential subdivision shall provide a buffer as indicated and UDLC Chapter 405 and 406. The proposed plan provides a 75-foot buffer of the conservation management area in the Open Space.
- (c) *Location of roads* – within a clustered rural residential subdivision, the location and construction of roads shall be dependent upon the location of designated Open Space areas, the identification of most appropriate developed areas, and the anticipated location of individual lots based upon location criteria for such sites and is required to use existing topography, natural features, existing paths or trails, and provide connections to adjacent residential development. The proposed plan provides a north/south road that bisects the southern portion of the site and avoids an existing pond. An east/west road provides access to the northern most lots and stubs to adjacent properties. This allows for future residential neighborhood connectivity if necessary.

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- (d) *Protection of agricultural activities* - When located adjacent to agricultural activities that exist either on an adjacent property or within all or part of the Open Space area of the clustered rural residential subdivision, buffering shall be provided. The width and type of buffer, is to be determined on an individual basis for each clustered rural residential subdivision and in no case shall be less than forty (40) feet in width. The proposed plan provides a 40-foot agricultural protection buffer on the eastern and western boundaries of the project to protect adjacent agricultural uses.
- (e) *Potable water and wastewater* – Each lot will be served by well and septic. The Health Department determines the type of onsite sewage disposal system and compliance with Health Department standards are confirmed as part of the building approval process
- (f) *Stormwater treatment plan* - Locations for stormwater management facilities are shown on the development plan.
- (g) *Dimensional standards for Rural/Ag Clustered Subdivisions* – Table 407.78.1 *Dimensional Standards for Rural/Agriculture Clustered Subdivisions* provide minimum lot area and setbacks. The Final Development Plan demonstrates consistency with these standards.
- (h) *Density incentive for Rural/Ag Clustered Subdivisions* – Density incentives are provided and total to 25 lots as explained in the Comprehensive Plan consistency section of this staff report. The plan proposes 24 total lots.
- (i) *Residential homestead exception*. A dwelling unit used as a homestead prior to creation of the clustered subdivision may continue without being included in the calculation for maximum gross density for the subdivision. There is an existing home and will be contained on one of the 24 proposed lots.

NATURAL AND HISTORIC RESOURCES PROTECTION

CONSERVATION AREAS

There is a large wetland located on the northern section of the site and a site visit was conducted by staff on April 10, 2023. The wetland area and its required buffer are identified as conservation open space on the plans. This conservation area will be protected by a conservation easement, a draft of which has been reviewed with the Final Development Plan application. There is a condition of approval requiring recordation of the easement in Alachua County Public Records prior to construction permit.

Staff noted a significant population of *ardesia crenata* in the forested wetland, an invasive exotic species, control of which is addressed in the conservation easement

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document and open space management plan.

Staff also noted an historic tobacco barn on the property and the applicant submitted a professional Cultural Resources Assessment (CRA) survey as part of the Final Development Plan per Section 407.77 and 406.82, due to the property's proximity to the historic town of Hainsworth. A condition of approval requiring submission of documentation from the Department of State, Division of Historical Resources of the findings of the CRA prior to construction permit has been applied to this application.

Finally, staff noted Gopher Tortoise burrows were located on and/or near the subject property. Therefore, the property owner/applicant shall follow all Florida Fish and Wildlife Conservation Commission (FWC) guidelines and obtain any required state permits regarding Gopher Tortoise protection, prior to clearing vegetation, grading, or filling the site (Chapter 406.05 & 406.28, ULDC). Copies of FWC issued permits are required to be provided to the Alachua County Environmental Protection Department in advance of receiving authorizations for land alterations.

CONSERVATION MANAGEMENT AREAS AND MANAGEMENT PLAN

The designated CMA consists of 35.41 acres of wetlands and the remaining acreage is the associated 75 ft. wetland buffer, which are required to be protected under Article VI, Chapter 406, Alachua County Unified Land Development Code. The wetlands are a combination of Mixed Hardwood and Bay Swamp, while the wetland buffer is predominantly fallow pasture. 100-year FEMA floodplain covers almost the entire onsite wetland area.

An Environmental Resource Assessment (ERA) was conducted in 2022 for the property by the environmental consulting firm, Verde Environmental. The wetland was delineated in accordance with methods outlined in the Florida Unified Wetland Delineation Methodology (Chapter 62-340, F.A.C.). Based on historical aerials dating back to the available 1937 aerial photography, the forested habitat conditions within the wetland have been retained with minimal disturbance, while the rest of the project site has historically been maintained as improved pasture.

There is an infestation of coral ardisia (*Ardisia crenata*), an invasive non-native species, within portions of the wetland and wetland buffer. The management plan outlines invasive non-native plant control requirements to restore the CMA to its natural condition. The cost and responsibility of managing the CMA will be borne by the 108 Acres Rural Subdivision Homeowners Association. Annual monitoring reports will be provided to EPD that document the habitat conditions and management activities conducted during the previous year and anticipated during the following year. EPD staff will conduct annual inspections of the designated CMA, typically coinciding with receipt of the monitoring reports.

Permanent protection measures of the designated CMA are reflected through the recording of a Conservation Easement (CE). The purpose of the CE is to preserve the

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habitat in their current form, maintain, protect, and enhance existing conservation resources, native plant and wildlife habitat quality, and prevent any further development or disturbances by requiring adherence to the management practices specified in the CMA Management Plan.

OPEN SPACE

Section 407.77(c) and 407.77(d) require clustered residential rural subdivisions to set aside a minimum of 50 percent of the project as open space. This section also requires that conservation and agricultural areas are given priority. The final development plan identifies 48 total acres, or 50.4 percent, of the project as open space. The wetland and required wetland buffer, are 41.2 acres, or 43.3 percent of the total open space. The remaining 6.8 acres, or 7.1 percent, is non-conservation open space. There is a small stormwater basin contained within the non-conservation open space. Section 407.77(d)(1)(a)(6)(i) allows for up to one-half of the open space to include stormwater facilities. The stormwater facility contained within the open space is approximately 2.4 acres or 2.5 percent. Access to the open space area is provided by three pedestrian paths, which are identified on the plan. Two of the paths connect the open space to the east/west roadway through the stormwater/common area. The third path connects the open space to a north/south stub and cul-da-sac between the northern most residential lot areas. Section 407.77(d)(2) requires permanent protection of the open space through an instrument acceptable to the county. The final development plan application includes an open space management plan as well as home ownership association documents outlining the maintenance entity of the open space.

TREE PRESERVATION

The site has approximately 44.76 acres of existing tree canopy. The Final Development Plan shows that approximately 43.83 acres, or 97.9 percent, of the existing tree canopy saved. Most trees to be retained are contained within the conservation open space and non-conservation open space. The remaining are protected in common area, the 40-foot agricultural buffer, and the 110-foot tree easement and 10-foot collector road buffer along W State Road 235.

Four heritage trees are identified on the plan including an 89/46/31-inch Live Oak, a 64-inch Live Oak, 62-inch Live Oak, and 68-inch Live Oak. These trees are shown protected to the 2x the width of the diameter at breast height on the plan as required in Section 406.12 *Tree Protection Standards*.

Sec. 406.13 Relocation, Replacement, Mitigation requires either relocation, replacement, or mitigation for the alteration of regulated trees. Due to the number and size of the trees removed and limited space to replant trees onsite, there is a mitigation deficit. Mitigation by replacement is proposed for 89 inches.

There is still a remaining deficit of 74 inches which will require a fee-in-lieu payment of \$9,620 prior to the issuance of Construction Permit. A fee-in-lieu payment is required when relocation or mitigation by replacement onsite is not feasible and is based on the adopted fee schedule rate of \$130 per caliper inch for the mitigation.

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GENERAL DEVELOPMENT STANDARDS

SETBACKS AND HEIGHT RESTRICTIONS

Lot dimensions meet standards outlined in Table 407.78.1 and a note is included on the plat to contact Growth Management for information regarding setback requirements.

LANDSCAPING AND BUFFERING

Section 407.43(d)(2) requires projects fronting a collector road or arterial road to provide a 10-foot buffer. W State Road 235 is designated as a collector road. The Preliminary Development Plan provides a 10-foot collector road buffer.

The plan shows 40-foot agricultural protection buffers along the eastern and western project boundaries as required by Section 407.78(d).

The landscape plan identifies appropriate plantings in the stormwater basins.

STREET NETWORK STANDARDS

The layout and design of streets within the development have been designed to meet the requirements of Article XIII Chapter 407 of the ULDC *Access Management and Street Network Standards*. The development provides stubs on the east/west road for future roadway connections.

WATER AND WASTEWATER SERVICES

Water and wastewater services will be provided by on site well and septic. The property is located within the Santa Fe and Orange Creek BMAP Enhanced Nutrient Reducing (ENR) Septic System Requirement area, but the ENR systems are only required for lots less than 1 acre. All lots are greater than 1 acre in size.

All lots will require Pre-Application Screening (PAS) prior to the building permit and compliance with the Florida Department of Health standards will be evaluated during the building permit process. This information is included in the Homeowners Association Declaration of Covenants.

STORMWATER MANAGEMENT

The Final Development Plan shows locations for stormwater management facilities. One basin is proposed south of the Conservation Open Space and north of the entrance roadway and a second basin is west of the Conservation Open Space within the Open Space area. They meet the requirements of chapter 407 Article 9 *Stormwater Management*.

ULDC 407.77 (b)(1)(v) states that up to one-half of the required open space area may include stormwater facilities. The stormwater basin in the open space is approximately 2.4 acres which is 2.5% of the total open space area.

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TRANSPORTATION

Mitigation for development resulting from this development plan will be through payment of impact fees prior to issuance of a Certificate of Occupancy.

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 May 28, 2024, is based on findings that this project will require three (3) elementary school student stations in the NW Alachua SCSA, two (2) middle school student station in the Mebane SCSA, and two (2) 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.

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.

STAFF RECOMMENDATION

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

Staff recommends **approval with conditions** of the Final Development Plan for 108 Acres Rural Cluster Subdivision and **recommend approval** of the plat to the BoCC.

DRC ACTION

Recommended approval of the plat to the BoCC.

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CONDITIONS OF APPROVAL

1. Prior to issuance of Construction Permit, pay tree mitigation fee of \$9,620 to Alachua County Parks and Conservation Lands, via the Growth Management Department, or provide a revised plan demonstrating compliance with tree mitigation requirements.
2. The conservation easement document shall be recorded in the public records of Alachua County prior to issuance of the construction permit.
3. Prior to issuance of construction permit, applicant must submit documentation of coordination and comments from the Department of State, Division of Historical Resources, regarding the findings of the Cultural Resource Assessment.
4. The CMA markers and signs shall be installed prior the Certificate of Completion for the Construction Permit (Chapter 406.103 ULDC).