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Item No. 5

**TO:** City Plan Board

**DATE:** February 1, 2010

**FROM:** Planning Division Staff

**SUBJECT:** Petition PB-09-177 LUC, Causseaux, Hewett, & Walpole, Inc., agent for Eaglesrock International, LLC. Amend the City of Gainesville Future Land Use Map from Alachua County Low Density Residential (1-4 DU/acre) to Residential Low-Density (up to 12 units per acre). Located at 4123 Southwest 50th Street. Related to Petition PB-09-178 ZON.

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Recommendation

Staff recommends approval of Petition PB-09-177 LUC for the eastern half of the property, and recommends Conservation rather than Residential Low-Density land use for the western half of the property.

Explanation

**Background**

This petition is for a small-scale comprehensive plan amendment to change the Future Land Use category from Alachua County Low Density Residential (1-4 DU/acre) to City of Gainesville Residential Low-Density (up to 12 units per acre) for an approximately 2.37-acre property at the southwestern edge of Gainesville. The property is approximately three fourths of a mile west of I-75, one mile west of the SW Archer Road/Butler Plaza commercial area, and approximately 970 feet (less than one-quarter mile) north of Archer Road. Please see attached Exhibits 1 (Aerial Photograph), 2 (Existing Land Use), and 3 (Proposed Land Use).

This 2.37-acre property is the southwestern portion of an approximately 31.6-acre property that was annexed in February of 2009. (The entire, 31.6-acre annexed property was the subject of Petition PZ-09-35 LUC for a change to Residential Medium-Density (8-30 units per acre) and Conservation land use (the related zoning petition requested RMF-7 (8-21 units/acre multiple family residential, and Conservation zoning), which was heard by the Plan Board on June 25, 2009. The petitions were subsequently withdrawn, and Petition PB-09-143 LUC requesting Planned Use District (for an assisted living facility and related uses) and Conservation land use for

approximately 29.23 acres (which excluded the 2.37-parcel) was heard by the Plan Board on December 7, 2009.)

The 2.37-acre property is accessible from Archer Road by SW 50<sup>th</sup> Street, which is an unpaved private road. There presently is no access to this property by a public road. The property is vacant, with the exception of an abandoned and dilapidated single-family dwelling.

### **Compatibility and Surrounding Land Uses**

The adjacent properties to the north, east and south have Alachua County Low Density Residential (1-4 DU/acre) land use designations (and Alachua County Single-family, low density residential (R-1a), 1-4 dwelling units per acre zoning). The property to the west is Lake Kanapaha, which has Alachua County Recreation land use and Conservation (C-1) zoning and Hogtown Prairie Strategic Ecosystem designation. The western half of the property has Alachua County Strategic Ecosystem designation and is adjacent to the Lake Kanapaha conservation/recreation area, which is owned and managed by Alachua County. Attached Exhibit 4 is an aerial photograph that depicts the Hogtown Prairie Strategic Ecosystem and the boundaries of the property.

Properties to the south and west of this property are in unincorporated Alachua County and are controlled by the County's land use and zoning regulations. Parcels adjacent to the north and east are within Gainesville city limits, and will be subject to County land use and zoning regulations until such time as City land use and zoning are approved and in effect. PUD and Conservation land use have been proposed for the adjacent, 29.23-acre property to the north and east.

The housing in the general vicinity (approximately 600 feet beyond the vacant, 29.23-acre property to the north and east, for which PUD and Conservation land use are proposed) is comprised of condominiums and mobile homes, which have Alachua County Medium Density Residential (4-8 DU/acre) land use. Several, older single-family dwellings and mobile homes are south of the property on the west side of SW 50<sup>th</sup> Street.

The proposed Residential Low (RL) Density land use, for the eastern half of the property (staff is recommending Conservation for the western half), is compatible with the land use in the general vicinity, including Alachua County Medium Density Residential (4-8 DU/acre) that is approximately 600 feet to north and east. It is compatible with the PUD and Conservation designations proposed (by Petition PB-09-143 LUC) for the adjacent property to the north and east, and would provide a reasonable transition between the PUD (for an assisted living facility, nursing home, office and medical services) area and the properties to the south with Alachua County Low Density Residential (1-4 DU/acre) land use.

Under the current County land use designation which allows up to 4 dwelling units per acre, the 2.37-acre property has the development potential for up to 9 residential units. The proposed Residential Low-Density (up to 12 units per acre) land use for the property could allow up to 28 residential units, for a net increase of 19 units, and a tripling of density. (Note: the related,

residential units, for a net increase of 19 units, and a tripling of density. (Note: the related, proposed rezoning to RSF-4 (8 units/acre single family residential district), could allow up to 18 residential units, for a net increase of 9 units, and a doubling of density.)

Limiting the Residential Low-Density land use to the eastern half (approximately 1.24 acres) of the property as recommended by Planning staff could allow up to 14 residential units, which is a net increase of 5 units over the 9 residential unit-maximum allowed for the 2.37-acre property under the current County land use. (Staff's corresponding recommendation for limiting the proposed RSF-4 zoning (8 units/acre) to the eastern half of the property would allow up to 9 residential units, which is the maximum allowable for the entire 2.37-acre property under current County zoning.)

This land use petition is submitted concurrently with a rezoning application (Petition PB-09-178 ZON, for RSF-4: 8 units per acre, single-family residential).

### **Urban Services**

SW Archer Road (State Road 24), which abuts the southern portion of the property, is a major 4-lane arterial roadway also known as State Road 24. There are sidewalks on both sides of SW Archer Road. There is no public roadway that provides direct access to the property, which is accessible from Archer Road by SW 50<sup>th</sup> Street (an unpaved private road). The Regional Transit System (RTS) serves this area with Route 75.

Transit service is available along Archer Road from 6:00 a.m. to 8:16 p.m. weekdays with 35-minute headways during the a.m. peak hours and p.m. peak hours. Off peak service headways are every 53 minutes, and Saturday service from 6:40 a.m. to 6:00 p.m. has 90-minute headways. Transit route 75 circulates from North Florida Regional Medical Center/Oaks Mall to Butler Plaza, with opportunities for transfers at both end points.

Centralized potable water and wastewater service is available from Gainesville Regional Utilities (GRU), which provides service to the property (The Gables - residential condominium complex) that is approximately 700 feet to the east. Solid waste collection is also available.

Public school students generated by the Eaglesrock project at the elementary, middle and high school levels can be reasonably accommodated for the School Board's five, ten and twenty year planning periods, and is consistent with the Public School Facilities Element of Gainesville's comprehensive plan. This evaluation (from Alachua County Public Schools; the complete evaluation of January 11, 2010 is attached as Exhibit 5) is based on best projections and upon the 2009-10 Five Year District Facilities Plan adopted by the School Board of Alachua County. The project will be subject to concurrency review and determination at the plat and site plan stages and the availability of school capacity at the time of such review. Should the proposed project be submitted as a final plat for 27 single family lots, elementary, middle and high school capacity is currently available.

### **Environmental impacts and constraints**

The site is nearly level on the east side, rising gently from about 74 feet above sea level at Southwest 50<sup>th</sup> Street to 83 feet just south of the house. Westward from the house, the land drops 30 feet to Lake Kanapaha, reaching 53 feet above sea level at the southwest corner of the property.

*Ecological Communities:* The eastern half of the parcel probably once supported a longleaf-pine forest. By 1937, this area was cleared and most likely used for pasture, as shown by aerial photographs of the site. Today the area east of the house has a few large live oaks, one possibly planted red maple, and a few grapefruit and fig trees on the northern property line; the groundcover is mowed grass which gives way, closer to the house, to a mix of shrimp plant (*Justicia brandegeana*), invasive air-potato (*Dioscorea bulbifera*) and invasive ardisia (*Ardisia crenata*).

The slope down to Lake Kanapaha supported an oak hammock in 1937 and still does today. Today live oak (*Quercus virginiana*) is the dominant canopy tree on the slope, with a few large hackberry (*Celtis laevigata*). The groundcover is a dense stand of the invasive exotic Japanese arrow bamboo (*Pseudosasa japonica*) mixed with seedlings of hackberry and water oak (*Quercus nigra*) and laurel oak (*Quercus hemisphaerica*).

The level part of the property, at the base of the slope, has a canopy of small laurel and live oaks over a sparse groundcover of herbs and grasses. Toward the west, there is a treeless strip; west of this strip, small red maples (*Acer rubrum*) and planer elms (*Planera aquatica*) replace the oaks and the groundcover becomes a dense mix of wetland grasses and sedges. This is the edge of Lake Kanapaha, which at this location is more of a forested wetland than a lake. In 1937, this area was treeless and was probably dominated by wetland grasses and sedges.

*Surface Waters On-Site or Adjacent:* The site includes a small part of the southeast edge of Lake Kanapaha, an area which varies, depending on water level, from a shallow open-water lake to a prairie-like wetland. At times of high water, the lake receives water over a sill from Hogtown Prairie to the north. (Hogtown Prairie includes the lowermost portion of Hogtown Creek and Haile Sink, into which Hogtown Creek flows.) The ground surface of Lake Kanapaha consists of a shallow layer of clay and sand over the Ocala Limestone, which includes the Floridan Aquifer from which Gainesville draws its drinking water. Any degradation of the water quality of this area may degrade the quality of the Floridan Aquifer.

*Wetlands On-Site or Adjacent:* The edge of Lake Kanapaha here is a wetland. It extends to the area of the laurel oaks at the base of the slope.

*Environmental significance:* The most significant environmental features on this property are in its western half: the live-oak hammock on the slope and the wetland edge of Lake Kanapaha. Recognizing this, Alachua County placed Lake Kanapaha and the adjacent slope in its Hogtown Prairie Strategic Ecosystem.

Since Lake Kanapaha is lying almost directly on the Floridan Aquifer, it is important to protect the quality of water entering it. One important protection can be the restriction of development in and near the wetland and on the live-oak hammock that covers the slope down to the wetland. The property to the north has recently [Petition PB-09-143 LUC was heard by the City Plan Board on December 7, 2009] had the slope and wetland proposed for Conservation land use; this land-use (and zoning) should be considered for the slope and wetland on this property as well.

The preceding text was excerpted (and redacted) from the (attached, Exhibit 6) Environmental Review dated January 14, 2010 by the City's Environmental Coordinator, Mark Garland.

Following a visit to the property, review of Mr. Garland's report, and after consideration of the Hogtown Prairie Strategic Ecosystem designation, of the existing conservation easement on the adjacent property to the north and of the applicant proposed-Conservation land use for that property, Planning staff has concluded that the western half of the subject property is not suitable for future development, and that it should be given the future land use designation of Conservation. Such designation would further the protection of the water quality of Lake Kanapaha and of the Floridan aquifer, further the protection of wetlands on and adjacent to the property, conserve and protect the live-oak hammock that covers the slope to the wetland below, and would facilitate protection of the Special Flood Hazard Area (100-year flood zone) that is in the western third of the property.

### **Transportation**

SW Archer Road is currently operating at a deficient level of service when reserved trips (held by Alachua County) are considered. After passage in 2009 of Senate Bill 360 (SB 360), areas within Gainesville city limits are now in a State-mandated Transportation Concurrency Exception Area (TCEA) because Gainesville was officially listed by the Department of Community Affairs as a Dense Urban Land Area (DULA).

A recent large-scale comprehensive plan amendment to the City's Concurrency Management Element includes this property in a new Transportation Concurrency Exception Area (TCEA) zone (Zone D), which has requirements to fund transportation mobility. (The comprehensive plan amendment placing this area of the City in TCEA Zone D was adopted by the City Commission on December 17, 2009 and is anticipated to become effective in March 2010). When development occurs, the developer will be required to mitigate the impact of the associated trips by meeting the appropriate Concurrency Management Element standards for TCEA Zone D.

### **Financial Feasibility**

Planning staff finds this amendment financially feasible on the following bases:

- a. The property is in a State-mandated TCEA, and will specifically be in new Zone D of the City's TCEA in the near future, as described above. At the development plan stage, the Concurrency Management Element will require that certain standards be met and mitigation provided due to the impact of the trips that will be generated by the development. Transit service is currently available to nearby Archer Road and provides service to two major activity/employment centers plus the ability to transfer to bus routes serving the University of Florida.
- b. Potable water and wastewater capacity is available to serve the development at adopted levels of service.
- c. Stormwater management level of service for both quality and quantity will be required as part of the development plan review.
- d. School capacity exists to serve the future development.
- e. Recreation capacity is available to serve the development at adopted levels of service.

### **Consistency with the Comprehensive Plan**

Planning staff finds that the proposed change to Residential Low, for the eastern half of the property, and the staff recommended change (not proposed by the applicant) to Conservation for the western half of the property, can be supported for several reasons:

1. The Residential Low land use area (eastern half of the property) is compatible with both the use and designations of adjacent properties to the north, east, south and west.
2. The proposed Residential Low-Density (up to 12 units per acre) land use for the eastern half of the property provides additional, future residential opportunities in an area near the University of Florida and Butler Plaza commercial area that has urban services available nearby, and is on an existing transit line. The density of the Residential-Low Density category is supportive of transit (which needs densities of at least 8 units per acre).
3. This 2.37-acre property at the southwestern edge of the City is not an urban infill location but it is in an urbanizing area. It lacks access by a public road, which would have to be provided prior to developing the property.
4. The staff-proposed Conservation land use designation for the western half of the property would provide substantial protection for this environmentally important area. It would

protect a live oak hammock on the slope from the site of the abandoned house, the wetland edge of Lake Kanapaha, water quality in the shallow layer of clay and sand before the water enters the underlying Ocala limestone that contains the Floridan Aquifer, and the Special Flood Hazard Area (100-year flood zone). This part of the property is within the Hogtown Prairie Strategic Ecosystem.

Staff finds that the proposed change, as recommended by staff (Conservation for the western half, Residential Low for the eastern half of the property) is consistent with the City's Comprehensive Plan goals, objectives, and policies, as listed in the next section.

## **Applicable Goals, Objectives and Policies of the Comprehensive Plan**

### ***Future Land Use Element***

#### **Policy 4.1.1**

Land Use Categories on the Future Land Use Map shall be defined as follows:

**Residential Low-Density (up to 12 units per acre).** This land use category shall allow dwellings at densities up to 12 units per acre. The Residential Low-Density land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low-density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

**Conservation.** This category identifies areas environmentally unsuited to urban development, permanent buffers between land uses, areas used for passive recreation and nature parks. Privately held properties within this category shall be allowed to develop at single-family densities of 1 unit per 5 acres. Land development regulations shall determine the appropriate scale of activities, structures and infrastructure that will be allowed.

#### **Policy 4.1.3**

The City will review proposed changes to the Future Land Use Map by considering factors such as, but not limited to, the following:

1. Overall compatibility of the proposal;
2. Surrounding land uses;

3. Environmental impacts and constraints;
4. Whether the change promotes urban infill; and
5. Whether the best interests, community values, or neighborhood support is achieved.

In no case shall this or any other Policy in the Future Land Use Element indicate a presumption that the City shall support a change of designation of land use for any parcel.

**Objective 4.4**

Newly annexed lands shall retain land uses as designated by Alachua County until the Future Land Use Element of this Plan is amended.

**Policy 4.4.1**

Land use amendments shall be prepared for all annexed properties within one year of annexation.

**Policy 4.4.2**

Alachua County LOS standards shall apply until newly annexed lands are given land use designations in this Plan.

***Transportation Mobility Element***

**Objective 1.2**

Ensure that future land use map designations promote transportation objectives by designating residential development of sufficient density in appropriate locations to support transportation choice.

***Conservation Element***

**Policy 1.1.1**

At a minimum the following standards and guidelines shall be used to protect environmentally sensitive resources identified in the Environmentally Significant Land and Resources map series within the Future Land Use Map Series. The City shall develop and adopt land development regulations that establish criteria for expansion of the minimum standards addressed below.

- a. Creeks: Between 35 and 150 feet from the break in slope at the top of the bank, there is a rebuttable presumption that development is detrimental to the regulated creek. Development must conform to applicable provisions of the land development regulations which prohibit development within a minimum of 35 feet of the break in slope at the top of the bank of any regulated creek.
- b. Wetlands: Developments containing wetlands must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority. Degradation or loss of function that is unavoidable shall be minimized, and the applicant must demonstrate that the project is clearly in the public interest, with



final administrative approval by the city commission on appeal, if necessary. The City shall develop and implement land development regulations that...

- c. Lakes: Developments containing or adjacent to a natural lake (or lakes) must not adversely impact the condition of the lake. Dredge and fill shall be prohibited. Development shall be prohibited within 75 feet of the landward extent of a lake.
- d. Wellfields: Development must be consistent with Policies 2.3.2 and 2.3.3 of this Element.
- e. Major Natural Groundwater Recharge Areas: Development within this area must be consistent with Policies 2.3.3 and 2.3.5 of this Element.
- f. Upland Areas: Developments within an area identified as Upland must submit an ecological inventory of the parcel. Based on the inventory, development may be allowed on up to the maximum of 75 percent of the parcel.

**Objective 2.2**

The City shall improve the quality of stormwater entering City lakes and creeks by requiring development and redevelopment to meet the adopted water quality standards of this Element and the Stormwater Management Element.

**Policy 2.4.6**

The City shall continue to have land development regulations for environmentally significant wetlands, lakes and regulated creeks that require:

- a. Setbacks from regulated creeks, lakes and wetlands;
- b. Prohibition of development that would cause erosion and sediment pollution to regulated creeks, lakes and wetlands;
- c. No net increase in the rate of runoff from development sites adjacent to regulated creeks, lakes and wetlands;
- d. Retention or detention of the first inch of runoff of developments adjacent to regulated creeks, lakes and wetlands, through on-site filtration;
- e. Retention of vegetation integral to the ecological value of regulated creeks, lakes and wetlands;
- f. Compliance with the City's adopted criteria for controlling sediment and erosion;
- g. Allowance of a transfer of development intensity and density from lower to higher elevations of a site; and

- h. Prohibition on the installation of all septic tanks.

**Policy 2.4.10**

The City shall protect floodplains through existing land development regulations that at a minimum:

- a. Prohibit development within the flood channel or floodplain without a City permit;
- b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
- c. Prohibit permanent structures in the flood channel, except for those necessary for flood control, streets, bridges, sanitary sewer lift stations, and utility lines;
- d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise potentially harmful materials in the flood channel;
- e. Prohibit development within the floodplain that would reduce the capacity of the floodplain;
- f. Prohibit development that would cause or create harmful soil erosion, stagnant water, and irreversible harmful impacts on existing flora and fauna;
- g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and parking areas; and
- h. Limit floodplain uses to launching areas for boats and structures at least one foot above the 100-year flood elevation, in addition to those allowed in the flood channel.

**Applicant Information**

Causseaux, Hewett & Walpole, Inc., agent for Eaglesrock International, LLC.

**Request**

Amend the City of Gainesville 2000-2010 Future Land Use Map from Alachua County Low Density Residential (1-4 DU per acre) to City of Gainesville Residential Low-Density (up to 12 units per acre).

**Existing Land Use Plan Classification**

Alachua County Low Density Residential (1-4 DU/acre)

**Existing Zoning**

Alachua County Single-family, low-density Residential (R-1a), 1-4 dwelling units per acre

**Purpose of Request**

Amend the land use to "allow the newly annexed lands to have a Gainesville Future Land Use Map designation consistent with an overall context area and the other City residential areas." (from Eaglesrock Comprehensive Plan Amendment Justification Report, December 21, 2009, prepared by

CHW).

**Location** 4123 SW 50<sup>th</sup> Street  
**Size** 2.37 acres  
**Existing Use** Vacant, other than one abandoned, dilapidated house

**Surrounding Land Uses**

**North** Vacant, mostly wooded land with two abandoned, dilapidated houses  
**South** Single-family dwellings  
**East** Vacated single-family dwellings to east and southeast  
**West** County Park (conservation area)

| <b>Surrounding Controls</b> | <b>Existing Zoning</b>   | <b>Land Use Plan</b>   |
|-----------------------------|--|--|
| <b>North</b>                | Alachua County (Al. Co.)<br>Single-family, low density residential (R-1a), 1-4 dwelling units per acre | Al. Co. Low Density Residential (1-4 DU/acre);<br>(Proposed PUD, Conservation) |
| <b>South</b>                | Al. Co. R-1a   | Al. Co. Low Density Residential (1-4 DU/acre)                                  |
| <b>East</b>                 | Al. Co. R-1a   | Al. Co. Low Density Residential (1-4 DU/acre)                                  |
| <b>West</b>                 | Al. Co. Conservation (C-1)   | Al. Co. Recreation   |


**Impact on Affordable Housing**

The proposed Residential Low-Density use (up to 12 dwelling units per acre) land use may provide an opportunity for affordable housing units.

**Conclusion**

Planning staff recommends approval of the requested Residential Low Density land use only for the eastern half (approximately 1.24 acres) of the property, and recommends that Conservation land use be applied to the western half (approximately 1.13 acres).

Respectfully submitted,



Ralph Hilliard  
Planning Manager

- Exhibits:
1. Aerial Photograph
  2. Existing Land Use
  3. Proposed Land Use
  4. Aerial Photograph: Hogtown Prairie Strategic Ecosystem
  5. School Capacity Review, January 11, 2010
  6. Environmental Review, January 14, 2010
  7. Application (includes legal description)
  8. Neighborhood workshop information
  9. Justification Report from applicant

RH: DLM