

*City of*  
*Gainesville*

Inter-Office Communication

Planning Division  
x5023, FAX x3259, Station 12

Item No. 3

TO: City Plan Board  
FROM: Planning Division Staff

DATE: Thursday, October 18, 2007

SUBJECT: Petition No. 69PDV-07PB,

**Review For:** Arcadis, Agent for Gloria and Maria Henderson. Rezone property from BUS (General Business District) to PD (Planned Development) to allow an Automotive Sales Center and associated development. Located in the 3900 Block of North Main Street, west side.

**Recommendation**

**Planning staff recommends approval of Petition 69PDV-07 PB subject to the conditions included in the staff report and those included on the PD Layout Plan.**

**Alternate recommendation:**

**Continue the petition so that the applicant can adequately address the environmental issues.**

**Explanation**

This petition is a request to change the zoning on the subject property from BUS (General Business District) to Planned Development for an automotive sales center and related accessory uses. The subject property is comprised of five tax parcels listed as 08159-002-000, 08159-002-001, 08159-002-002, 08159-002-006 and 08159-002-010, totaling 18.4 acres. The subject property is located at the northwest corner of North Main Street and Northwest 39<sup>th</sup> Avenue, having 229 feet of frontage on Northwest 39<sup>th</sup> Avenue and 1,238 feet along North Main Street. The south east corner of the subject property is developed with an office building, a bar, a bank and other retail uses. The remaining northwest portion is undeveloped and contains three well defined wetlands areas. A north/south ditch runs along the west boundary of the subject property and traverses the southern portion, creating two separate areas.

The subject property is surrounded on the north and west by a residential development which is zoned RMF-5 (Low Density Multi-family Residential). Along the south property boundary is a used car dealership fronting Northwest 39<sup>th</sup> Avenue. East of the subject property, across North Main Street, lays a new and used automobile dealership and a large amount of vacant undeveloped property.

The applicant wishes to develop the property with three, new and used car sales establishment, combined with a community/learning center and an alternative fuels, fueling station. The principal use is classified under SIC (Standard Industrial Classification) MG-55 Automotive dealers and gasoline service stations, which is not allowed in the BUS zoning district. The desired use is allowed in the Automotive-oriented business district (BA), which is the designated

zoning of the properties on the east side, across North Main Street. In order to implement the proposed use, the property would have to be rezoned to BA or Planned Development. The applicant has selected a rezoning to Planned Development in order to address intended unique aspects of the site, the operations of the proposed development and the adjacent residential development to the west.

The property is also located in the Secondary Zone of the city's Wellfield Protection Zone and would require a Wellfield Protection Special Use Permit due to the proposed underground storage of hazardous materials. Considering the existing of a significant amount of wetlands and a high water table, it is possible that underground fuel storage may have negative impacts on the potable water system.

### **Analysis:**

A planned development may be processed with full development plan approval, full subdivision approval or with only a layout plan with development details to be submitted at a later date. This request is for a Planned Development zoning with only a Planned Development Layout Plan. The planned development ordinance will therefore address and set development standards for future implementation of the proposed development. Details of implementation will be addressed during the development plan review stage at a later date under the regulations of the approved Planned Development ordinance. No subdivision of the subject property is proposed.

The development is proposed on a predominantly vacant combination of five parcels. Three of the four developable parcels, are currently developed and have frontage on Northwest 39<sup>th</sup> Avenue and North Main Street. The fourth developable parcel is about 3.5 acres and is occupied by wetland areas on the north and west sides. The largest parcel, approximately 12 acres is predominantly occupied by wetlands, a north/south sixty-foot wide ditch and low lying Flood Zone areas. In order to implement the development, the wetland areas would have to be destroyed, thus altering the natural ecosystem and drainage flow patterns in the immediate areas. The environmental standards of the land development code, addresses wetlands and the natural ecosystem as listed below; (the attached Exhibit "A" for additional details):

(a) *Purpose and intent.* The purpose of this section is to avoid loss or degradation of wetland functions, to minimize unavoidable degradation or loss of wetland functions and to require mitigation that fully offsets any unavoidable loss or degradation of wetland functions. In addition, it is the purpose of this section to ensure that development activities that cause the unavoidable degradation or loss of wetland function are clearly in the public interest and fully offset any degradation or loss of wetland functions through sustainable mitigation. This section should contribute to the restoration of wetlands functions in the city.

(d) *Avoidance through minimization.* Avoidance of loss of wetland function and wetland habitat is of the highest priority. The owner shall avoid loss of wetland function and wetland habitat by implementing practicable design alternatives to minimize adverse impacts to wetlands, except as permitted in this section:

The adverse impacts remaining after practicable design modifications have been made shall be offset by mitigation as provided herein. A development activity cannot cause a net adverse impact on wetland functions, wetland habitat, or surface water functions, if such activity is not offset by mitigation.

City Plan Board  
Petition 69PDV-07PB  
October 18, 2007

Avoidance through practicable design modifications is not required when the ecological value of the function provided by the area of wetland is low and the proposed mitigation will provide greater long-term ecological value than the area of wetland to be affected.

Satisfactory compliance with the land development code is therefore a significant element of this application and must be clearly demonstrated in order to be granted approval. This aspect of the application will be addressed under the appropriate section below.

The applicant submitted a design and configuration and claims compliance with the environmental elements. Staff has reviewed the design and configuration based on the ability of the applicant to satisfactorily address environmental and wetland impacts of the proposed development.

In reviewing the proposed Planned Development, staff considered the following criteria:

### **Conformance with comprehensive plan**

The land use of the subject parcels is Commercial which allows implementation of a consistent zoning or a planned development with allowable uses which are consistent with the commercial land uses. The maximum height of proposed buildings is three stories which is consistent with the maximum height limit of five (5) stories by right and eight (8) stories by Special Use Permit, allowed by the comprehensive plan. The Comprehensive Plan requires buildings to face the street and to have modest build-to lines. While the development faces the street it does not satisfy the requirement of a modest build-to line and thus does not demonstrate the desired relationship between building façade and the street edge. Due to the unique operational function of automobile dealerships to have reasonable display areas, it is not anticipated that all buildings should be brought up to the street. However, when excessively large build-to lines present significant impacts and conflicts with the environmental features of the site, reasonable measures should be implemented to avoid those impacts.

Staff has determined that moving some of the proposed buildings to a closer build-to line would significantly reduce the impact of the proposed development on the wetlands and the residential development to the west and north. It should be noted that the Central Corridor standards exempts automobile dealerships which are located on North Main Street between Northwest 16<sup>th</sup> Avenue and Northwest 53<sup>rd</sup> Avenue.

Other elements of the Comprehensive Plan are addressed within this document under the appropriate section.

### **Condition 1.**

At least one building should be placed at the intersection of 39<sup>th</sup> and Main and should frame that intersection in accordance with the comprehensive plan and the central corridor requirements. Other buildings should be removed from the wetland and relocated to realize the least possible negative impacts to both the environmental aspects and the residential development to the west

and north. Buildings should have a strong architectural orientation towards Northwest 39<sup>th</sup> Avenue and North Main Street.

**Condition 2.**

Unless the development can demonstrate full compliance with the avoidance and minimization requirements of the environmental regulations, the primary intent of the development should be to move proposed buildings closer to the street edge and out of the wetland areas. The PD Layout plan should be amended to reflect reasonable compliance with the build-to line requirements.

**Condition 3.**

The alternative fuels station shall be placed on the southern portion of the site on an area of upland as opposed to an area close to or within a wetland area. The fueling station should be screened from the public right-of-way as opposed to its current location of being one of the most prominent features visible from the public right-of-way. The final placement on the south side will be north of the existing Northwest 39<sup>th</sup> Avenue developments and will be adequately screened. That location will also provide a more efficient and less circuitous route to the facility. The reviewing board shall determine the final location and the merits of whether the use should be allowed during the Wellfield Special Use Permit review.

**Concurrency**

An initial concurrency review has been conducted on the development. It has been determined that modifications required due to site related impacts do not qualify for TCEA standards. An application for final concurrency shall be required during development plan review.

**Condition 4.**

The development shall comply with the concurrency requirements of the Comprehensive Plan and shall demonstrate compliance during development plan review.

**Internal compatibility**

The final decision as to internal compatibility of the site is dependent on the ability of the development to satisfy the requirements of the environmental standards of the code. It is also the intent of the code that development should be implemented so as to attain the greatest degree of compatibility with the natural elements. Given the proposed configuration and layout of buildings, the elements of the development are not internally compatibility with the environmental elements of the site. Substantial acreage of the developable portion of the site is devoted to parking, a round-about and driveway aisles and the buildings are placed within the wetlands and wetland buffer areas.

The proposal is for an automobile dealership as the principal use of the site. Uses are therefore internally compatible. Other uses of the site are carwash, alternate fuels dispensing, retail café

and a learning center. Efficient and adequate pedestrian and vehicular circulation shall be attained within the site.

**Condition 5.**

Subject to meeting the environmental elements of the code, the development should propose a PD Layout plan that minimizes encroachment into the wetlands and environmentally sensitive areas of the site.

**Condition 6.**

Buildings shall have an orientation with pedestrian access towards 39<sup>th</sup> Avenue and North Main Street.

**Condition 7.**

The alternative fuels fueling area shall be clearly identified with a circulation and access pattern that separates general public access from automobile storage and other internal circulation.

**Condition 8.**

Allowable uses within the development shall be those listed on page 27 and 28 of the Planned Development application. Machine and body work shall not be permitted, except in completely enclosed building.

**Condition 9.**

- i. All buildings on the site shall have a design and architectural pattern that is compatible with each other and is representative of the overall architectural development intended along the central corridors. The elevations presented in the application as General Architectural Theme shall serve as a guide. Color tones shall be consistent with the City Advisory Color Guidelines and reflect the general color tones in the area. The amount of glazing and percentage of materials shall be required per the proposal. The finished material shall be consistent with materials used within the general neighborhood and shall be determined by the reviewing board during development plan review.
- ii. The areas reference as aluminum storefront on the elevations refers to the framing and shall not be used as the type of finished materials.
- iii. A building located at the corner of Northwest 39<sup>th</sup> avenue and North Main Street shall be designed to include an entry feature and façade along both streets and windows shall be provided in accordance with the central corridor requirements for glazing. Architectural relief shall be provided along both the east and south sides of any building placed at the intersection of North Main and Northwest 39<sup>th</sup> Avenue.

**External compatibility:**

The general location of the subject property is in an area of North Main Street designated for auto dealership and has the greatest concentration of auto dealers and business automotive centers. One other compatible aspect of the development is its location on 39th Avenue. This arterial is one of the major east-west routes to and from Gainesville; it connects a number of major north/south arterials including SR 24 (Waldo Road), I-75 and East SR 26. Thirty-ninth (39th) Avenue also provides transportation connection to major institutions and establishments in Gainesville, for example, Gainesville Regional Airport, the University, the Northwest Industrial Park, the Northeast Industrial Park and the Airport Industrial Park, to name a few. The site is therefore in a convenient general location for development.

Properties to the north and west of the proposed development are zoned and developed as residential. The residential is currently adequately buffered from Main Street and NW 39<sup>th</sup> Avenue by the large undeveloped western portion of the subject property occupied by wetlands and flood plain areas. The western boundary is also physically separated from the residential by the existence of a 60-foot wide ditch which runs almost the full length of the subject property. If the development is able to justify removal of the wetlands, the closest paved area will be about 70 feet from the eastern boundary of the residential development. The closest building will be about 110 feet from the residential area. Staff expressed concerns about the proximity of the proposed development to the residential development as well as the impacts of the operations on the residential development. The development is proposing an eight-foot high wooden fence along its common boundary with the residential and a 25 foot wide buffer. Due to the existence of the ditch, the proposed separation is less critical than what is proposed along the north side where the residential will be separated only by a 25 foot landscaped buffer and an 8-foot high fence. The northern area is also within close proximity to the secondary access to the development and to areas of automobile storage and a carwash. Developments along the south and east of the subject property are of the same general type and can be classified as compatible.

**Condition 10.**

Except as listed below, external buffers for the development are as shown on the PD Layout Plan:

- i. A 50 foot wide buffer with a masonry wall shall be constructed along the north boundary of the subject property to provide screening and buffering for the residential developments.
- ii. A 100 foot wide buffer including the ditch shall be created between proposed development and the residential to the west.
- iii. Fencing provided for security purposes along the west side of the property shall be placed on the east side of any landscaped buffer. The type and exact location shall be determined by the reviewing body during development plan review.
- iv. The stormwater basin shall be designed to serve a dual purpose as a passive recreation and stormwater facility.

- v. The development shall landscape the ditch area and maintain it in perpetuity. The amount and type of landscaping shall be determined by the reviewing body during development plan review.
- vi. Ditch and landscape maintenance access shall be provided and maintained by the development in perpetuity.
- vii. There shall be no outdoor public address / loud speaker system used on the site.

**Condition 11.**

All lighting must be in accordance with the City's Land Development Code. Lighting shall address intensity, glare, spillage, and safety needs.

**Condition 12.**

There shall be no elevated display of vehicles above the height of the street buffer hedge, which is generally four feet.

**Condition 13.**

The development shall comply with the city's noise ordinance as well as the "Plainly Audible" requirement. Compliance with the noise ordinance should be convincingly demonstrated. A study from a professional sound engineer shall be provided to establishing compliance and to indicate where design measures have been employed to eliminate noise intrusion.

**Condition 14.**

Wall mounted and free-standing signs shall be in accordance with the Land Development Regulations.

**Condition 15.**

With respect to the north boundary of the development, except as otherwise indicated, landscaping in accordance with the buffer matrix for single-family/commercial shall be provided within the area between the proposed development and existing driveway and the fence.

**Condition 16.**

Landscaping materials shall meet code requirements as to quality and shall include 30-65 gallon trees as determined by the city arborist.

**Intensity of development & useable open spaces, plazas and recreation areas.**

The development site is approximately 18.4 acres, most of which is undeveloped. The current intensity of development is therefore very low. The proposed development will add approximately 110,000 square feet of building area which is small compared to the total size of the lot. However, due to the nature and operations of the facility, a significant portion, about

65% of the property will be in impervious area, primarily as automobile storage. In terms of overall impervious area, the subject property will be intensely developed. Except for

incompatible use buffers and the stormwater basin, a significant portion of the property will be developed with buildings and surface vehicle storage.

**Condition 17.**

The maximum allowable square footage on the subject property shall be 150,000 square feet.

**Condition 18.**

The development shall maintain a minimum of 20% of the site in open space.

**Environmental constraints**

The proposed development is on a site which is predominantly vacant and substantially undeveloped. The existence of surrounding development indicated that the undeveloped status is due to the existing environmental constraints. The existing conditions map shows that Parcel 2 has small wetland encroachments to the west and north but contains a majority of developable acreage. Parcel 1, shown as Parcel 1a and 1b, contains the majority of the wetlands and low lying areas. That parcel, currently acts as a well established buffer between parcels with development potential along North Main Street and the residential to the north and west. It should also be noted that the residential parcels and those currently proposed for development were formerly under one ownership. It therefore leaves one to ask the questions, was Parcel 1, which includes the majority of the wetland areas and environmentally sensitive conditions, deliberately set aside for non-development purposes. This petition proposes incorporating the environmentally sensitive parcel into a development by removing the existing wetlands and re-routing the lower reaches of the ditch.

The intent of the city's environmental ordinances is that wetlands should be avoided and if impacted in anyway, the impacts should be minimized. Additionally, any impact of wetlands should be mitigated through the appropriate measures. It also requires that proposed mitigation should be backed by financial assurances to guarantee successful mitigation projects.

Staff has reviewed the proposed development and determined that it does not satisfy the avoidance, minimization and mitigation requirements. One part of the mitigation is a financial contribution towards purchase of a parcel to be used for conservation. Staff has determined that the applicant has not addressed the mitigation requirement and has also not satisfied required financial assurances. Most of the proposed off-site mitigation appears to be conceptual in nature, one of which is proposed for development.

One option that would come close to addressing the avoidance and minimization would be a plan that involves reconfiguration to save, preserve and restore the larger, northernmost wetland on the site. This approach would allow mitigation of the two smaller wetlands to the south and west. Concentrating the development intensity to the east and southern upland portions of the site would go a long way in meeting the avoidance, minimization and public interest test.



### **External and Internal transportation access**

The development is bounded on the south and west by Northwest 39<sup>th</sup> Avenue and North Main Street respectively. Those are major arterial affecting the east/west and north/south traffic circulation. Access to the property is intended via the existing adjacent streets. The project is proposing two access points off North Main Street. No new access is recommended of Northwest 39<sup>th</sup> Avenue.

#### **Condition 19.**

Since the development contains a fueling facility, connectivity to developments to the south shall be provided. The final location and configuration shall be determined by the reviewing body during development plan review.

#### **Condition 20.**

Design, placement and configuration of the limited access connectivity point/s shall be determined during development plan review by the departments having jurisdiction.

#### **Condition 21**

During development review, the city shall analyze the proposed development in terms of its traffic impact on the existing roadway and traffic signalization patterns. The petitioner/developer shall be required to conduct a traffic study and to make improvements commensurate with the potential impacts of the development on the roadway system and related traffic signalization system.

### **Off-street parking**

#### **Condition 22.**

Parking shall be subject to the requirements of the land development code. No parking shall be allowed within the public right-of-way, this shall include trucks loading and unloading. The applicant shall place signs directing all loading and unloading to designated areas. The location and other details of those directional signs shall be determined during development plan review.

### **Sidewalks, trails and bikeways**

Sidewalks shall be provided from designated customer and employee parking areas to specific areas of activity. It is therefore expected that sidewalks will be a prominent feature of the development. Sidewalks are required along all streets on which the development fronts. Adequate space shall be provided or secured for placement of the sidewalks. Internal movement should be facilitated through the provision of sidewalks linking buildings and main areas of activity. Sidewalks shall also be provided to connect the adjacent developments to the south.

**Conditions 23.**

Sidewalks shall be provided along Northwest 2<sup>nd</sup> Way fronting the subject property; the sidewalk shall extend to Northwest 39<sup>th</sup> Avenue.

**Conditions 24.**

Sidewalks shall also be provided to connect the adjacent developments to the south.

**Conditions 25.**

In areas where existing sidewalks are deficient or deteriorated, the development shall provide sidewalks to meet code requirements.

**Public facilities**

Public facilities are available within close proximity to the development site.

**Unified control**

Documents provided with the application indicate unified control of the property.

**Condition 26.**

The unified control of the PD and all conditions shall be binding on all future owners.

**Development time limits**

The development is proposed to be completed in phases. No information is provided on the PD Layout plan indicating phased lines.

**Condition 27.**

Phase lines must be shown on the PD Layout Plan and a time limit provided for each phase. Prior to issuance of a certificate of occupancy for a particular phase, all infrastructure and accessory facilities related to finalization of a particular phase must be in place and approved by Development Services.

**Condition 28.**

The Planned Development shall be valid for a period of five (5) years from the effective date of the ordinance approving the PD. A building permit must be issued prior to expiration date. The City Commission may grant an extension of time for a period of one year, only if the request is submitted in writing to the Commission at least one month prior to the 5-year expiration date. If

the original approval period expires with no action being taken, the development order approved by the Planned Development Zoning Ordinance shall be void and of no further force and effect. The City has the option to designate other appropriate zoning consistent with the Comprehensive Plan. The petitioner shall revise their PD Plan Report to reflect the development time limits.

**Condition 29.**

Application for a building permit must be filed within one year of obtaining a final development order. Construction must commence no later than one year after obtaining a final development order or one year after receiving a building permit, whichever is the later.

**Bonds**

This development is subject to the bonding requirements of financial assurances in relation to any proposed mitigation or required improvements as a result of this PD.

**Condition 30.**


Any required bonding will be addressed during development plan review and shall be determined by the reviewing body.

Respectfully submitted



Ralph Hilliard,  
Planning Manager,  
RH:LDC

**SITE PLAN EVALUATION SHEET**  
**DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION**  
**CURRENT PLANNING ROOM 16, OLD LIBRARY**  
**222 East University Avenue 334-5023**

Petition No. <u>069PDV-07PB</u>	Review Date: 10/18/07 Review Type: PD Layout Plan
Reviewed on: 10/09/07	
Review For: Planned Development for Scott McRae Automotive Group, Inc., agent for Gainesville Auto Town Center. Rezone property from BUS (General Business) to PD (Planned Development) for construction of an automobile dealership with alternative fueling station. Located in the 3900 block of North Main Street.	Project Planner: Lawrence Calderon  10/12/07

**RECOMMENDATIONS/REQUIREMENTS/COMMENT**

This project is a request to rezone property from BUS to PD to construct an automobile dealership and alternative fuel station development with a PD Layout Plan. It also include a fueling station with underground storage which will require a Wellfield Special Use Permit. This petition addresses the PD rezoning with a PD Layout Plan.

**COMMENTS**

1. The comments provided to you are based on the layout and configuration of your current development proposal reflecting significant removal of wetlands. Staff's review of the plans indicates that an alternative design and configuration of the site can result in preservation of wetland areas that would be consistent with the Land Development Regulations. A reconfiguration and reduction in the amount of wetlands schedule for removal could also have the potential of meeting the minimization requirement.
2. Modification or conditions which involve reconfiguration of the overall plan shall require additional TRC and or Plan Board review.
3. The project references a town center design. Please identify the elements that make up that town center and how they are brought together to establish the town center.
4. A clear accessway shall always be made available for ingress/egress of trucks handling vehicles. Details shall be established during development plan review.
5. Please show a circulation path for using the Alternative fueling station.
6. Show the location of existing residential structures closest to the development site; those must be shown on the PD Layout Plan.
7. The development shall demonstrate that no property lighting on the west side of the project shall result in exposure to the residents of the area to the west.
8. The exact number, location and configuration of pedestrian/bicycle access points to the public rights-of-way shall be determined during the development review process and included in the PD

**SITE PLAN EVALUATION SHEET**  
**DEVELOPMENT PLAN & SUBDIVISION REVIEW EVALUATION**  
**CURRENT PLANNING ROOM 16, OLD LIBRARY**  
**222 East University Avenue 334-5023**

Ordinance regulating the development. Access points shall be of a design and number which ensures safety and facilitates pedestrian and bicycle circulation.

9. Please show how you have or will address the Protection of mitigation areas, Mitigation Success and Financial Assurances.
10. There appears to be a conflict in the size, configuration and layout of buildings on the PD Layout Plan. Please make sure that the map on Page 40 is consistent with the PD Layout Plan.

070706b



AERIAL PHOTOGRAPH

Name	Petition Request	Map(s)	Petition Number
Mark W. Shelton, AICP/Arcadis, applicant	Change Zoning from BUS to PD	3452	69PDV-07PB



No Scale

070706B

**Exhibit "A"**

**Petition Number 69PDV-07PB**

Sec. 30-302.1. Avoiding loss or degradation of wetlands.

Wetlands within and around the City of Gainesville provide environmental benefits such as water quality improvement, floodplain and erosion control, groundwater recharge and wildlife habitat, especially for species listed as endangered, threatened or of special concern by state and federal agencies, plus recreational, aesthetic and educational opportunities for people. These functions may be provided regardless of wetland size. Wetlands damaged or degraded shall either be restored to their function and condition prior to such damage, or mitigated pursuant to the mitigation requirements in the comprehensive plan, this Code, and in accordance with appropriate water management district standards.

(a) *Purpose and intent.* The purpose of this section is to avoid loss or degradation of wetland functions, to minimize unavoidable degradation or loss of wetland functions and to require mitigation that fully offsets any unavoidable loss or degradation of wetland functions. In addition, it is the purpose of this section to ensure that development activities that cause the unavoidable degradation or loss of wetland function are clearly in the public interest and fully offset any degradation or loss of wetland functions through sustainable mitigation. This section should contribute to the restoration of wetlands functions in the city.

(b) *Applicability.* Except as provided below this section shall be applicable to all wetlands within the City of Gainesville. This section shall not apply to the maintenance of permitted stormwater systems.

(c) *Delineation.* Wetlands shall be delineated pursuant to Rule 62-340.300, F.A.C.. Delineations performed by the State of Florida pursuant to Rule 62-340.300, F.A.C., shall be binding on the city for the purposes of this section.

(d) *Avoidance through minimization.* Avoidance of loss of wetland function and wetland habitat is of the highest priority. The owner shall avoid loss of wetland function and wetland habitat by implementing practicable design alternatives to minimize adverse impacts to wetlands, except as permitted in this section:

The adverse impacts remaining after practicable design modifications have been made shall be offset by mitigation as provided herein. A development activity cannot cause a net adverse impact on wetland functions, wetland habitat, or surface water functions, if such activity is not offset by mitigation.

Avoidance through practicable design modifications is not required when the ecological value of the function provided by the area of wetland is low and the proposed mitigation will provide greater long-term ecological value than the area of wetland to be affected.

(e) *Conditions for the issuance of a development permit for property upon which wetlands are located.* The city manager or designee or appropriate reviewing board shall review all permit applications based on the conditions set forth below. No development of property containing wetlands shall be permitted unless the owner provides reasonable assurance that the activity:

- (1) Will not adversely impact the value of wetland functions provided to fish and wildlife and listed species;
- (2) Will not cause adverse secondary or cumulative impacts to water and wetland resources;
- (3) Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;



- (4) Will be conducted by an entity with the sufficient financial, legal and administrative capability to ensure that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued;
- (5) Will comply with criteria for buffer zones set forth herein;
- (6) Is consistent with the owner's stormwater management permit, if required; and
- (7) Is clearly in the public interest based on a balancing of the following criteria:
- a. Whether the development activity requires location in, on, or over wetlands or surface waters in order to fulfill its basic function;
  - b. The effect of the development activity on the public health, safety, or welfare or the property of others;
  - c. The effect of the development activity on fish, wildlife and native plant communities;
  - d. The effect of the development activity on recreation, open space and aesthetic values;
  - e. The effect of the development activity on significant historical and archaeological resources;
  - f. Whether the development activity will be of a temporary or permanent nature;
  - g. The current condition and relative value of wetland functions being performed by areas affected by the proposed activity;
  - h. The type, extent, and geographic location of any mitigation proposed;
  - i. The extent to which the development furthers the goals of the comprehensive plan, and the proximity of the development to existing infrastructure.
- (f) *Mitigation*. This section applies to development activities in wetlands, which cannot be avoided or minimized, as determined by the criteria stated herein. Mitigation means an action or series of actions to offset the adverse impacts that would otherwise cause a regulated activity to fail to meet the criteria set forth herein.
- (1) Types of mitigation; mitigation ratios. Mitigation consists of creation, preservation, enhancement, restoration, or a combination thereof in accordance with the ratios and preferences set forth in Chapter 62-345, F.A.C. (Uniform Mitigation Assessment Method).
- a. Preservation means the protection of wetlands, other surface waters or uplands from adverse impacts by placing a conservation easement or other comparable land use restriction over the property, in favor of the governmental entity with the appropriate jurisdiction.
  - b. Enhancement is an improvement in wetland function.
  - c. Restoration means converting existing wetlands, surface waters or uplands from a disturbed or altered condition to a previously existing natural condition to the maximum extent possible.
  - d. Creation means the establishment of new wetlands or surface waters by conversion of other landforms. Wetland creation is the least acceptable mitigation alternative and shall be considered only when preservation, restoration or enhancement within the sub-basin, basin or adjacent basin are infeasible at the ratios provided and when the owner can demonstrate that the proper hydrology and geology exist to make a created wetland sustainable.
- (2) Location of mitigation. Any mitigation required pursuant to this section shall be performed within the basins and sub-basins described below, and may be performed on-site. These basins and sub-basins shall be specifically delineated on a map in the data and analysis section of the conservation, open space and groundwater recharge element of the

comprehensive plan. Sub-basins include but are not limited to those drainage units within basins described below and as determined by the city manager or designee.

- a. Newnans Lake Basin. This basin generally includes the areas east of the Hogtown Creek watershed and the Blues Creek watershed and north and east of the Paynes Prairie watershed. It includes Hatchet Creek, Little Hatchet Creek, Gum Root Swamp, Sunnyland Creek, Lake Forest Creek and the Newnans Lake watershed.
- b. Paynes Prairie Basin. The Paynes Prairie Basin generally consists of the area west and south of the Newnans Lake Basin and south of the Hogtown Creek watershed flowing to Paynes Prairie and Alachua Sink. The Paynes Prairie Basin includes Sweetwater Branch, Rosewood Lateral, Tumblin Creek, Bivans Arm, Extension Ditch, Calf Pond Creek, Alachua Sink and the Paynes Prairie watershed.
- c. Hogtown Creek Basin. The Hogtown Creek basin generally includes the watershed for Hogtown Creek and Haile Sink and includes the depression basins that are adjacent to the west side of the watershed and within the Gainesville Community Basin. This Basin includes Hogtown Creek, Rattle Snake Creek, Springstead Creek, Pine Forest Creek, Ridge View Creek, Glenn Springs Creek, Possum Creek, Three Lakes Creek, Millhopper Creek, Monterey Creek, Royal Park Creek, Beville Creek, and the Lake Alice watershed, Lake Kanapaha, Rutledge Drain, Liberty Drain, Unnamed Branch and Unnamed Drain.
- d. Blues Creek Basin. The Blues Creek Basin generally includes the area northwest of the Hogtown Creek Basin. The basin includes Blues Creek, Alachua Slough and Sanchez Prairie.
- e. Sub basins may be delineated for each basin.

(g) *Order of mitigation preference.* The order of preference for the location of the mitigation area in relation to the impacted area is as follows:

- (1) In the same sub-basin;
- (2) In the same basin;
- (3) In another listed basin.

The appropriate reviewing board or city manager or designee, in writing, may approve a deviation from this order of preference if greater ecological benefits would be achieved with another order.

(h) *Mitigation plan.* Owners shall submit to the city manager or designee detailed plans describing proposed construction, establishment, and management of mitigation areas. These plans shall include the following information, as appropriate for the type of mitigation proposed by the owner:

- (1) A soils map of the mitigation area and other soils information pertinent to the specific mitigation actions proposed;
- (2) A topographic map of the mitigation area and adjacent hydrologic contributing and receiving areas;
- (3) A hydrologic features map of the mitigation area and adjacent hydrologic contributing and receiving areas;
- (4) A description of current hydrologic conditions affecting the mitigation area;
- (5) A map of plant communities in and around the mitigation area, including buffer areas;
- (6) Construction drawings detailing proposed topographic alterations and all structural components associated with proposed activities;
- (7) Proposed construction activities, including a detailed schedule for implementation;

- (8) Vegetation planting scheme and schedule for implementation, if planting is proposed;
- (9) Sources of plants and soils used in wetland creation;
- (10) Measures to be implemented during and after construction to avoid adverse impacts related to proposed activities;
- (11) A management plan comprising all aspects of operation and maintenance, including water management practices, plant establishment, exotic and nuisance species control, fire management, and control of access;
- (12) A proposed monitoring plan to demonstrate mitigation success;
- (13) A description of the activities proposed to control exotic and nuisance species should these become established in the mitigation area. The mitigation proposal shall include reasonable measures to assure that these species do not invade the mitigation area in such numbers as to affect the likelihood of success of the project;
- (14) A description of anticipated site conditions in and around the mitigation area after the mitigation plan is successfully implemented;
- (15) A comparison of current fish and wildlife habitat to expected habitat after the mitigation plan is successfully implemented; and
- (16) An itemized estimate of the cost of implementing mitigation, if applicable, as set forth herein.

(i) *Monitoring requirements for mitigation areas.* The owner shall monitor the progress of mitigation areas until success can be demonstrated as provided herein. Monitoring parameters, methods, schedules, and reporting requirements shall be specified as conditions within the appropriate permit. At a minimum, the owner shall transmit to the city manager or designee monitoring reports certified by an environmental scientist, biologist, registered engineer or registered landscape architect. These reports shall be submitted no less frequently than every 12 months for at least three years, except as provided herein. At a minimum, the monitoring reports shall include the following:

- (1) An executive summary;
- (2) A table of contents;
- (3) A map of the site;
- (4) Color photographs of the site and its important features;
- (5) A description and analysis of water levels;
- (6) A description and analysis of water quality;
- (7) A description and analysis of the amount and types of nuisance and exotic plants;
- (8) A description and analysis of the amount and types of intended and native plants;
- (9) The survival rates of installed plants;
- (10) Wildlife observations; and
- (11) A description of mitigating activities by owner or agent.

Pursuant to the requirements of the comprehensive plan, regulatory fees for mitigation plan review and mitigation plan implementation shall be borne by the owner. Similar reporting to and review by the water management district shall be acceptable in lieu of this review.

(j) *Protection of mitigation areas.* The owner shall propose and be responsible for implementing methods to assure that mitigation areas will not be adversely impacted by incidental encroachment or secondary activities which might compromise mitigation success.

(k) *Mitigation success.* After three years of monitoring, the owner shall provide to the city manager or designee a written certification by an environmental scientist, biologist or registered engineer or registered landscape architect that the mitigation meets applicable success criteria as described below. If certification of success is not submitted or is not approved by the city manager or designee, then monitoring shall continue and monitoring reports shall be submitted until the city manager or designee deems the mitigations successful.

Mitigation success criteria. Mitigation success will be measured in terms of whether the objectives of the mitigation are realized. The success criteria to be included in permit conditions will specify the minimum requirements necessary to attain a determination of success. The city manager or designee shall deem the mitigation successful when all applicable water quality standards are met, the mitigation area has achieved viable and sustainable ecological and hydrological functions, and the specific success criteria contained in the permit are met. If success is not achieved within the time frame specified within the permit, remedial measures shall be required. Monitoring and maintenance requirements shall remain in effect until success is achieved.

(l) *Financial assurances.* As part of compliance with this section, the owner shall provide proof of financial assurance when (1) conducting the mitigation activities; (2) conducting any necessary management of the mitigation site; (3) conducting monitoring of the mitigation; and (4) conducting any necessary corrective action indicated by the monitoring.

(1) *Cost estimates.* The amount of financial assurance provided by the owner shall be an amount equal to 120 percent of the cost estimate for each phase of the mitigation plan. For the purposes of determining the amount of financial assurance that is required by this subsection, the owner shall submit a detailed written estimate, in current dollars, of the total cost of conducting the mitigation, including any maintenance and monitoring activities, and the owner shall comply with the following:

- a. The cost estimate for conducting the mitigation and monitoring shall include all associated costs for each phase thereof, including earthmoving, planting, structure installation, maintaining and operating any structures, controlling nuisance or exotic species, fire management, consultant fees, monitoring activities and reports.
- b. The owner shall submit the estimates, together with comprehensive and verifiable documentation, to the city manager or designee along with the draft of the financial assurance.
- c. The costs shall be estimated based upon a qualified third party performing the work and supplying services and materials at fair market value. All cost estimates shall be supported by comprehensive and verifiable documentation.

(2) *Financial responsibility assurances.* Financial responsibility for the mitigation, monitoring, and corrective action for each phase of the project may be established by any of the following methods, at the discretion of the owner:

- a. *Bond.* A performance bond shall be filed with the city manager or designee which is executed by a surety company authorized to do business in the state with a rating of not lower or less than A-XII as rated by A.M. Best Company, Inc., an independent national rating service for performance companies, which bond shall be conditioned to secure the required mitigation, monitoring, and corrective action in a satisfactory manner within 12 months from final plat approval and any extension of such period approved by the city

commission, or, in the case of development (site) plan review, prior to final development plan approval. The bond shall be enforceable by and payable to the city in a sum at least equal to 120 percent of the total cost of the required mitigation, monitoring, and corrective action as estimated by the project engineer and verified and approved by the city manager or designee. The bond shall be first approved by the city attorney as to form and legality prior to its submission with the proposed final plat to the city commission for approval and shall be executed by both the owner and the party or parties with whom the owner has contracted to perform the required mitigation, monitoring, and corrective action. In the case of development (site) plan review, the bond shall be first approved by the city attorney as to form and legality prior to submission of the proposed final development plan to the appropriate reviewing entity (board or city manager or designee) and shall be executed by the developer and the party or parties with whom the developer has contracted to perform the required mitigation, monitoring, and corrective action; or

b. Irrevocable letter of credit. Deposit with the city manager or designee an irrevocable and unconditional letter of credit by a Florida bank that has authority to issue letters of credit and whose letter of credit operations are regulated and examined by a federal or state agency. The letter of credit shall be for an amount equal to 120 percent of the estimated costs of the required mitigation, monitoring, and corrective action. The letter of credit shall remain with the city as a valid letter of credit until the city is satisfied that all of the required mitigation, monitoring, and corrective action has been completed in accordance with plans and specifications, that mitigation success as provided herein has been achieved, and that all other provisions of this chapter relating thereto have been fully complied with; or

c. An insurance certificate from a company authorized to do business in the state and which has a rating of not lower or less than A-XII as rated by A.M. Best Company, Inc. The insurance certificate and its associated insurance policy shall be reviewed and approved by the city manager or designee before the city can accept the certificate as a financial responsibility assurance to secure the mitigation, monitoring and corrective action. The insurance certificate shall name the city named as an additional insured and shall provide not less than 30 days notice to the city of cancellation; or

d. A cash deposit in an amount equal to 120 percent of the estimated costs of the required mitigation, monitoring, and corrective action. The cash deposit shall remain with the city until the city is satisfied that all of the required mitigation, monitoring, and corrective action has been completed in accordance with plans and specifications, that mitigation success as provided herein has been achieved, and that all other provisions of this chapter relating thereto have been fully complied with.

(3) *Owners not subject to financial assurance requirements.* Owners whose mitigation is deemed successful pursuant to the mitigation success criteria provided herein prior to undertaking the construction activities authorized under their permit, or owners who purchase credits in a mitigation bank to offset the adverse impacts as required herein, are not subject to the financial assurance requirements of this section.

(4) *General terms for financial assurances.* In addition to the specific provisions regarding financial assurances set forth herein, the following shall be complied with:

a. The city attorney shall approve the form and content of all financial assurances prior to the commencement date of the activity authorized by the permit.

b. The financial assurance(s) shall name the city as sole beneficiary or shall be payable solely to the city. If the financial assurance is of a type that is retained by the beneficiary according to industry standards, the city shall retain the original financial assurance. For mitigation projects required both by the city and the water management district, the financial assurance(s) shall name the city and the water management district as joint beneficiaries or shall be payable to the city and the water management district jointly, unless the city and the water management district establish an alternative arrangement in writing with respect to the designated beneficiary or payee.

c. The financial assurances shall be effective on or prior to the date that the activity authorized by the permit commences and shall continue to be effective through the date of notification of final release by the city, which shall occur within 30 days of the determination that the mitigation is successful.

d. The financial assurances cannot be revoked, terminated, or canceled without the owner first providing an alternative financial assurance that meets the requirements of this code. Once the owner receives actual or constructive notice of revocation, termination, or cancellation of a financial assurance or other actual or constructive notice of cancellation, the owner shall provide such an alternate financial assurance prior to expiration of the financial assurance.

(5) *Financial assurance conditions.* For owners subject to the financial assurance requirements of this section, the city manager or designee will include the following conditions in the permit:

a. An owner shall notify the city attorney by certified mail of the commencement of a voluntary or involuntary proceeding under Title XI (Bankruptcy), U.S. Code naming the permittee as debtor within ten business days of the owner filing of the petition.

b. An owner who fulfills the requirements of this section by obtaining a letter of credit or bond will be deemed to be without the required financial assurance in the event of bankruptcy, insolvency or suspension or revocation of the license or charter of the issuing institution. The owner shall reestablish a financial assurance in accordance with this section within 60 days after such event.

c. When transferring a permit, the new owner or person with legal control shall submit documentation to satisfy the financial assurance requirements of this section. The prior owner or person with legal control of the project shall continue financial assurance until the city manager or designee has approved the permit transfer and substitute financial assurance.

(6) *Releases.*

a. *Partial releases.* The owner may request the city attorney to release portions of the financial assurance as phases of the mitigation plan, such as earth moving or other construction activities for which cost estimates were submitted in accordance with this section, are successfully completed. The request shall be in writing and include documentation that the phase or phases have been completed and have been paid for, or will be paid for, upon release of the applicable portion of the financial assurance. The city attorney shall authorize the release of the portion requested upon verification that the construction or activities has been completed in accordance with the mitigation plan.

b. *Final release.* Within 30 days of successful mitigation, as determined by the city manager or designee and based on the criteria stated herein, the city shall notify the owner and shall authorize the return and release of all funds held or give written

070706B

authorization to the appropriate party of the cancellation or termination of the financial assurance.

(m) *Application procedure.* An owner seeking a permit for a development activity in an area containing wetlands shall adhere to the application procedure set forth in Chapter 30, Article VII, Development Review Process, of the Gainesville Code of Ordinances.

(n) *Density transfers.* The provisions of Chapter 30, Gainesville Code of Ordinances, relevant to onsite transfer of development intensity and density, shall apply to the transfer of intensity and density of developments within or in an area containing wetlands.

(o) *Waivers and exceptions; appeals.* The wetlands protection regulations do not apply to owners and applications exempted pursuant to section 30-304. Owners may use the appeals process set forth in section 30-352.1 to appeal the denial of a permit under the wetlands protection regulations.

# SITE PLAN EVALUATION SHEET

ENVIRONMENTAL REVIEW 334-5070 M.S. 58

Petition No. <u>069PDV-07PB</u>	Review Date: <u>10/8/07</u>	Review Type:
Review For : <u>Technical Review Committee</u>	Plan Reviewed: <u>10/8/2007</u>	<u>PD Layout</u>
Description, Agent & Location: <u>Gainesville Auto Town Center</u>		Project Planner:
<u>Arcadis</u>	<u>3900 Block N Main St</u>	<u>Lawrence Calderon</u>

**APPROVED**  
(as submitted)

**APPROVED**  
(subject to below)

**DISAPPROVED**

- Wetlands or wetland buffers must be shown.  
 Creeks or creek setbacks must be shown.  
 Lakes or lake setbacks must be shown.  
 Significant ecological communities on site.  
 Archaeological/historical sites on site.

Comments By:

Mark A. Garland

Mark Garland  
Environmental Coordinator

## NOTES/RECOMMENDATIONS:

1. The PD layout proposes to eliminate the wetlands on the site. The applicant has not avoided or minimized impacts to these wetlands (30-302.1(d), Gainesville Code of Ordinances) and this project may or may not meet the public interest test required by 30-302.1(e), Gainesville Code. I address only the mitigation plan here.

The applicant proposes offsetting the removal of the 4 acres of wetlands on site (in the Hogtown Creek Basin) by enhancement of 23 acres of wetlands on an Alachua County preserve, Sweetwater Preserve (in the Paynes Prairie Basin). The applicant also proposes contributing to the purchase of parcels in two Alachua County Forever projects: (1) The 61-acre Johnson property in the Lake Forest Creek project (in the Newnan's Lake Basin) and (2) 7.85 acres of the 66-acre Blues Creek Ravine-- IFAS Addition to the Millhopper Flatwoods project (in the Blues Creek Basin). There are two concerns with this plan:

- a. The applicant has submitted complete Uniform Mitigation Assessment Method (UMAM) scores for the impact areas and for the Sweetwater Preserve mitigation area, but has provided only a single score for each parcel proposed for purchase. These single scores may or may not be appropriate.
- b. The two parcels proposed for acquisition may or may not be purchased. The Johnson property, for example, is part of the proposed Bella Helene development. These parcels should therefore be regarded as possible mitigation, not actual mitigation, and the applicant therefore has not actually offset the wetland impacts with the proposed mitigation.



# SITE PLAN EVALUATION SHEET


PUBLIC WORKS DEPARTMENT 334-5070 M.S. 58

Petition No. <u>69PDV-07PB</u>	Review Date: <u>9/20/07</u>	Review Type:
Review For : <u>Technical Review Committee</u> Plan Reviewed: <u>9/20/2007</u>		<u>Planned Development</u>
Description, Agent & Location: <u>Gainesville Auto Town Center</u> <u>39<sup>th</sup> Ave. and North Main Street</u>		Project Planner: <u>Shenley Neely</u>

**APPROVED**  
(as submitted)

**APPROVED**  
(subject to below)

**DISAPPROVED**

<input type="checkbox"/> Alachua County Public Works approval required. <input checked="" type="checkbox"/> F.D.O.T. approval required. <input checked="" type="checkbox"/> SJRWMD permit is required. <input checked="" type="checkbox"/> 100 Yr. critical duration analysis required. <input checked="" type="checkbox"/> Treatment volume must be recovered within 72 Hrs. (F.S. of 2) <input type="checkbox"/> Approved for Concurrency.	Comments By:  <hr/> Rick Melzer P.E. Development Review Engineer
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## REVISIONS / RECOMMENDATIONS:

### 1<sup>st</sup> Submittal Comments 7/18/07

1. The majority of the site lies within the 100 year FEMA floodplain. A flood study will be required to determine the base flood elevation and a Letter of Map Revision (LOMR) will be required to modify the FEMA FIRM maps for this area. These conditions must be satisfied prior to final site plan approval
2. The proposed car wash appears to impact a City maintained ditch on the west side of the property. Access to the ditch must be maintained in order for City crews to perform routine maintenance on the ditch.
3. F.D.O.T. approval will be required for the closing of the existing driveway onto NE 39<sup>th</sup> Ave.

### 2<sup>nd</sup> Submittal Comments 8/23/07

No additional comments, comments 1 and 3 from above must be completed at final site plan approval.

### 3<sup>rd</sup> Submittal Comments 9/20/07

No additional comments, comments 1 and 3 from above must be completed at final site plan approval



**DEVELOPMENT REVIEW EVALUATION  
GAINESVILLE REGIONAL UTILITIES**

Ellen Underwood, New Development Coordinator  
PO Box 147117, Gainesville, FL 32614  
Voice (352) 393-1644 - Fax (352) 334-3480

Oct 8, 2007

7 Petition 069PDV-07PB

Arcadis, agent for Gloria and Maria Henderson (**Gainesville Auto Town Center.**) Rezone property from BUS (General business district) to PD (Planned Development) to allow a mixed use development with associated PD Layout Plan. Located in the 3900 block of N Main Street and 414 NE 39th Avenue. (Planner, Lawrence Calderon)

- Conceptional Comments**
- Conditions/Comments**
- Approved as submitted**
- Insufficient information to approve**

**New Services** Please call New Development at 352-393-1459 and schedule a project meeting to discuss utilities. We will invite a representative from electric, water, sewer, gas, land rights, the planner and the arborist.

- Water**
- Sanitary**
- Sewer**
- Electric**
- Gas**
- Real Estate**



# SITE PLAN EVALUATION SHEET

## BUILDING INSPECTION DEPARTMENT REVIEW

Petition No. 69PDV-07PB	Review Date: <u>10/3/07</u>	Review Type: <u>Planned Development</u>
Review For : <u>Plan Board</u>	Plan Reviewed: <u>10/3/07</u>	
Description, Agent & Location: <u>Arcadis, Gainesville Auto Town Center, 414 NE 39 Avenue</u>		Project Planner: <u>Lawrence Calderon</u>

APPROVABLE   
  APPROVABLE   
  DISAPPROVED   
  CONCEPT  
 SUBJECT TO COMMENTS

<p>This site plan has been reviewed for compliance with Chapter 5 of the Standard Building Code &amp; for accessible routes of the Florida Accessibility Code for Building Construction. Complete code compliance plan review will be performed at Building Permitting.</p>	<p>Comments By: <i>Brenda S. Strickland</i> Brenda G. Strickland Plans Examiner</p>
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### REVISIONS / RECOMMENDATIONS:

The Building Department has no problem with the proposed PD layout plan knowing that a preliminary/final site plan will be submitted for complete site plan review.

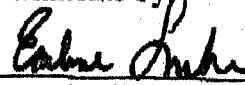
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# SITE PLAN EVALUATION SHEET

## Urban Forestry Inspector 334-2171 - Sta. 27-Fourth Review

Petition: 69PDV-07PB Review For: Technical Review Committee Agent: Arcadis for Gainesville Auto Town Center located at 3900 block of North Main Street.	Review date: 10/8/07	Review::Rezone from BUS to PD
		Planner: Lawrence

**APPROVED** (as submitted)    
  **APPROVED** (with conditions)    
  **DISAPPROVED**

<input type="checkbox"/> Tree Survey Required <input type="checkbox"/> Landscape Plan Required <input type="checkbox"/> Irrigation system required <input type="checkbox"/> Attention to conditions (revisions/recommendations)	Comments by:  Earline Luhrman Urban Forestry Inspector
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Approved as submitted.

Impact on the Urban Forest will be determined during site plan review.

**CONCURRENCY REVIEW**  
**PLANNING DIVISION - (352) 334-5022**

Sheet 1 of 2

<b>Petition</b>	<u>69PDV-07PB</u>	<b>Date Received</b>	<u>10/2/07</u>	<input type="checkbox"/> Preliminary
<input type="checkbox"/> DRB	<input checked="" type="checkbox"/> PB	<input type="checkbox"/> Other	<b>Review Date</b>	<input type="checkbox"/> Final
<b>Project Name</b>	<u>Auto Town Center</u>			<input type="checkbox"/> Amendment
<b>Location</b>	<u>3900 block of N. Maint St.</u>			<input type="checkbox"/> Special Use
<b>Agent/Applicant Name</b>	<u>Arcadis</u>			<input checked="" type="checkbox"/> Planned Dev.
<b>Reviewed by</b>	<u>Onelia Lazzari</u>			<input type="checkbox"/> Design Plat Concept

Approvable (as submitted)       Approvable (subject to below)       Insufficient Information

PD Concept (Comments only)       Concept (Comments only)

RECOMMENDATIONS/REQUIREMENTS/COMMENTS

1. This development is located in Zone B of the Transportation Concurrency Exception Area and must meet all relevant Concurrency Management Element Policy 1.1.4, 1.1.5, and 1.1.6 standards. Modifications required due to site related impacts do not qualify for TCEA standards. Please contact Onelia Lazzari in Planning to discuss how this development will meet the required standards.
2. This development must sign a TCEA Zone B Agreement for the provision of the required Concurrency Management Element Policy 1.1.6 standards (at a minimum for Phase 1) prior to second reading of the PD Ordinance. Please contact Onelia Lazzari to provide information for the preparation of the TCEA Zone B Agreement prior to 2<sup>nd</sup> Reading of the PD Ordinance for this development.
3. If the developer wishes to sign a TCEA Zone B Agreement for the Phase 1 of the development only, a condition of approval is that the development shall sign a TCEA Zone B Agreement for provision of the required standards for Phase 2 prior to a final development order being issued for Phase 2 (related to the trip generation for Phase 2).
4. A condition of approval is more than 6 fueling positions are added at the site, the developer shall provide revised trip generation for the added trips and shall be responsible for signing a revised TCEA Zone B Agreement for the additional trip impacts from the added fueling positions.

