

Exhibit 1:**CONDITIONS OF APPROVAL**(To be added to Future Land Use Element as Policy 4.3.4)

The Hatchet Creek PUD shall be governed by the following policies:

*General:*

- A-1. That the PUD be limited to a maximum of 1,199 residential units, 500 ALF (Assisted Living Facility) beds, and a maximum of ~~160,000~~ 200,000 square feet of non-residential uses (to include a maximum of 100,000 square feet of retail space and a maximum of ~~60,000~~ 100,000 square feet of office space). Note: This maximum amount of residential and non-residential development may be reduced at the time of PD rezoning due to other development restrictions and constraints, including but not limited to, wetlands and surface water regulations, wellfield protection, floodplain requirements, concurrency and airport hazard zoning regulations.
- A-2. That no residential units be allowed within the Airport Noise Zone.
- A-3. That for any non-residential development within the Airport Noise Zone, the only allowable uses shall be those permitted uses identified in Appendix F, Article II, Section C.2.d of Chapter 30, Gainesville Code of Ordinances. In addition, such permitted uses shall be compatible or made compatible (in accordance with Table 1 of Appendix A to 14 C.F.R. Part 150) with the Airport Noise Subzone within which the use is located.
- A-4. The area, uses, intensity and density of the Planned Use District shall be restricted as follows:

<b>Zone</b>	<b>Area</b>	<b>Uses</b>	<b>Density</b>	<b>Intensity</b>
Within Airport Noise Zone		No residential development is allowed. Accessory uses (e.g., recreational facilities) to residential development located outside of Airport Noise Zone are permitted. Non-residential development in accordance with the permitted uses identified in Appendix F - Airport Hazard Zoning Regulations, Chapter 30, Gainesville Codes of Ordinances.	N/A	Maximum of <del>160,000</del> <u>200,000</u> sq. ft., of non-residential uses (to include a maximum of 100,000 sq. ft. of retail space and a maximum of <del>60,000</del> <u>100,000</u> square feet of office space) to be allowed within entire PUD.
Outside of Airport Noise Zone		Residential	Up to 8.0 units per acre, or up	

to 1,199  
units,  
whichever  
is less,  
plus 500  
ALF beds.

Non-residential

Maximum is  
the total square  
footage not  
used "Within  
Airport Noise  
Zone".

Totals

Maximum  
of 1,199  
dwelling  
units, plus  
500 ALF  
beds.

Maximum of  
~~160,000~~  
200,000 sq. ft.,  
of non-  
residential uses  
(to include a  
maximum of  
100,000 sq. ft.  
of retail space  
and a  
maximum of  
~~60,000~~ 100,000  
square feet of  
office space) to  
be allowed  
within entire  
PUD.

- B. All Commercial/Office areas in the Hatchet Creek PUD shall be connected to the residential and other uses in the PUD by an interior roadway system and/or a pedestrian/bicycle/golf cart system. All pedestrian sidewalk systems in the PUD shall comply with the Florida Accessibility Code for Building Construction requirements.
- C. A planned development zoning ordinance consistent with the planned use district must be adopted by the City Commission within 18 months of the effective date of the land use change. If the aforesaid zoning ordinance is not adopted within the 18-month period, then the overlay planned use district shall be null and void and of no further force and effect and the overlay land use category shall be removed from the Future Land Use Map, leaving the original and underlying land use in place. Should the applicant fail to obtain PD zoning within the 18-month period, ~~one~~ two 12-month extensions may be granted by a majority vote of the City Commission within 18 months of the effective date of the land use change.
- D. A current and complete wetlands survey for the entire property shall be submitted to the City of Gainesville and to the St. John River Water Management District at the time of application for PD (planned development district) zoning. Informal approval of wetland delineations for the entire property by the water management district is required prior to the public hearing on the planned development zoning petition by the City Plan Board.
- E. All direct impacts to jurisdictional wetlands and wetland buffers shall be prohibited, with the exception of crossings required for the internal road network and for egress and ingress into the planned use district. Where such crossings cannot be avoided, impacts to the wetland resources shall be minimized to the extent practicable. All unavoidable, direct wetland impacts shall be mitigated in accord with applicable City of Gainesville and water management district requirements. As part of the overall wetland mitigation requirements for any unavoidable, direct wetland impacts, on-site mitigation shall be the first option. Any required on-site mitigation will be part of and will not supersede other wetland mitigation requirements of the comprehensive plan, land development code, and the water management district.
- F. All pedestrian and/or bicycle pathways, trails, and sidewalks shall be located outside of wetland buffer areas and outside of creek buffer areas, except as may be established and shown for good cause by the owner/developer and then provided for in the planned development zoning ordinance.
- G. Protection of the State-listed animal species, Gopher tortoise (*Gopherus polyphemus*) listed as a Species of Special Concern in Rule 68A-27.005, Florida Administrative Code) located in the remnant sandhills east of the Ironwood Golf Course, and documented in the Hatchet Creek PUD Report, is required and shall be established in the planned development zoning ordinance. Protection of the documented population may be accomplished by establishing a designated protection area in the planned development zoning ordinance that meets all applicable requirements of the City's significant ecological communities district (Sec. 30-309, land development code) and all applicable requirements of the Florida Administrative Code.

- H. The applicant shall submit an environmental features report (in accordance with the requirements of the Significant Ecological Communities zoning district (Section 30-309, Gainesville Code of Ordinances) with the application for planned development zoning. As part of this report, the highest-quality uplands shall be delineated and any development within these high-quality areas shall be restricted. In particular, the applicant shall preserve and restore the area identified as sandhill (FLUCCS code 412) in the northeastern part of the site. Restoration of any upland habitat on this site may require prescribed burning.
- I. The application for planned development district zoning shall include requirements for the use of native vegetation landscaping and for the removal of invasive trees and shrubs.
- J. A master stormwater management plan for the entire planned use district shall be prepared by the applicant. The plan shall include provisions for protecting the water quality of Little Hatchet Creek, particularly with respect to stormwater runoff from any future development within the planned use district. A conceptual master stormwater management plan application shall be submitted at the time of application for planned development district zoning. The subsequent master stormwater management plan must be approved by the City's Public Works Department prior to final development plan approval. The master stormwater management plan for the project shall be modified for undeveloped phases in order to comply with the statewide water quality rule once it is adopted. The water quality leaving the site shall be addressed through the PD zoning.
- K. Buffer and setback requirements for the wetlands and creeks in the planned development district shall be greater than the minimum required by the land development code, if warranted based upon review of the required environmental features report that shall be submitted with the application for planned development district zoning.
- L. Buffer requirements pertaining to adjacent uses (including the municipal golf course) will be proposed by the applicant in the application for planned development district zoning, in order to protect the viability of the adjacent uses.

*Transportation Conditions:*

- M. The planned use district land use category shall not vest the development for concurrency. The owner/developer is required to apply for and meet concurrency management certification requirements, including all relevant policies in the Concurrency Management Element, at the time of application for planned development district zoning. Transportation modifications which are required due to traffic safety and/or operating conditions, and which are unrelated to transportation concurrency shall be provided by the developer.
- N. Internal roadways shall be designed to minimize cut-through traffic, to provide for bicycle and pedestrian access and connectivity, and shall include traffic calming (low design speed) methods (e.g., speed tables, speed humps, "neck-downs", roundabouts) acceptable to the City of Gainesville.
- O. Sidewalks shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the existing and planned public sidewalks along the development frontage. All sidewalks and sidewalk connections shall be a minimum of 5-foot in width, except as may be established and shown for good cause by the owner/developer and then provided for in the planned development zoning ordinance.

- P. The planned development associated with the Hatchet Creek planned use district shall provide for transit access (either on site or on abutting roadways) and shall include construction of an appropriate number of transit shelters, as determined at the planned development rezoning stage.
- Q. A maximum of ~~two~~ three drive-through facilities shall be allowed. No direct access from NE 39th Avenue or NE 53rd Avenue shall be allowed. All access to the drive-through facilities shall be from the internal roadway system in the planned use district.
- R. A maximum of two access points, unless additional access points are approved by the FDOT and the City of Gainesville, shall be allowed along NE 39<sup>th</sup> Avenue, subject to the final approval of FDOT. Any proposed reconfiguration of the existing road connection to the Ironwood Golf Course is subject to FDOT and City approval at the planned development rezoning stage. Boulevard-type driveways with the ingress/egress split by a landscaped median and other entry-type features shall count as a single access point.
- S. A maximum of two access points shall be allowed along NE 53<sup>rd</sup> Avenue, and the locations shall be included in the planned development district zoning application. All access points are subject to Alachua County and City of Gainesville approval at the planned development rezoning stage. To minimize traffic impacts from the Hatchet Creek PUD on NE 53<sup>rd</sup> Avenue, the owner/developer shall interconnect the two access points on NE 53<sup>rd</sup> Avenue with the internal road system in Hatchet Creek.
- T. A maximum of one access point shall be allowed along NE 15<sup>th</sup> Street. Any proposed access point along NE 15<sup>th</sup> Street shall be included in the planned development district zoning application. Any proposed access point is subject to City of Gainesville approval at the planned development rezoning stage.
- U. Additional, limited emergency access will be allowed if the need for such is identified and the access is approved by local government agencies that provide the emergency service(s).
- V. Prior to the application for a planned development rezoning related to the PUD, a major traffic study shall be submitted that meets the specifications provided by FDOT, Alachua County, and the City of Gainesville. A traffic methodology letter shall be signed with the City. Any traffic studies undertaken prior to the signed methodology letter with the City of Gainesville are performed at the developer's risk.
- W. Prior to the second reading of the PUD land use amendment ordinance, the developer shall sign a binding agreement for proportionate fair-share mitigation of the transportation concurrency impacts associated with the maximum amount of development identified in the future land use map amendment. The exact payment will be redefined by the PD development program during the PD approval process, and the appropriate amendments to the binding agreement will be incorporated. The City shall amend the 5-Year Schedule of Capital Improvements to show the required transportation modifications and funding provided by the developer. If sufficient funds are not available for the required transportation modifications, the developer shall be required to limit the development program associated with the PUD amendment to that which would not degrade the transportation level of service (LOS) below the adopted LOS for impacted roads.
- X. Prior to the application for a planned development rezoning related to the Hatchet Creek PUD, a signal warrant analysis for the intersection of NE 53rd Avenue/NE 15th Street and

for the project driveway at NE 39th Avenue shall be submitted as part of the major traffic study requirements. The specifications for the signal warrant analyses shall be part of the traffic methodology letter that will be signed with the City of Gainesville. The developer shall be responsible for the costs of any new traffic signals that are warranted, and the cost shall not be counted toward any required proportionate fair-share contribution for transportation concurrency.

- Y. Prior to the second reading of the PD rezoning ordinance, the developer shall sign a binding letter of agreement with Gainesville Regional Utilities' GRU.com to provide for the installation of fiber optic cable consistent with the City's Traffic Management System (TMS) standards, which shall run along NE 39th Avenue from NE 15th Street to Waldo Road.

*Airport compatibility conditions*

- Z-1. Avigation and clearance easements granting the owner/operator of the Gainesville Regional Airport the right to continue to operate the airport in a manner similar to current operations despite potential nuisance effects upon residential and any other uses that are established by this PUD and/or by the required planned development (PD) district zoning ordinance; (2) Notice to Prospective Purchasers and Lessees of potential aircraft overflights and noise impacts; and (3) Declaration of Restrictive Covenants to address the property's proximity to the Airport and the imposition of local, state and federal regulations, shall be executed prior to release of a development site plan, prior to or recording of a final plat, or prior to issuance of a building permit, whichever first occurs. The easements, notice and declaration shall be in a form acceptable to the city attorney and airport authority and shall be executed in a recordable form by the property owner. In addition, a copy of the Notice shall be given to prospective purchasers or lessees at the time of contract or lease negotiations.
- Z-2. All residential and non-residential development shall be constructed to achieve an outdoor to indoor noise level reduction (NLR) as specified in the Airport Hazard Zoning regulations of the Gainesville Codes of Ordinances.

*Other conditions*

- Z-3. The developer shall fund any potable water and/or wastewater capacity improvements that are based on the Hatchet Creek PUD demands so that the adopted levels of service in the Potable Water/Wastewater Element of the City's Comprehensive Plan are maintained. The developer shall sign a binding letter of agreement with the City to ensure that the funding will be available to make the required improvements.
- Z-4. At the Planned Development rezoning stage, the Hatchet Creek PUD shall provide design standards for all residential and non-residential uses.
- Z-5. All residential development shall be housing designated for persons who are 55 years or older in accordance with the Federal Fair Housing Act (Title 42, Chapter 45, Subchapter 1, U.S.C), the Florida Fair Housing Act (Chapter 760, Part II, F.S.) and all related federal and state regulations.
- Z-6. This Planned Use District land use ordinance does not permit or allow any development that would constitute a development of regional impact or any development that would require a development of regional impact review. The applicant shall not submit a planned

development (PD) district zoning application that will exceed any threshold that requires the development to undergo development of regional impact (DRI) review. Any PD zoning application or any application for proposed development that will exceed the development of regional impact thresholds shall be required to follow the procedures as defined in Chapter 380, F.S. and applicable regulations of the Florida Administrative Code. (Note: the Florida Department of Community Affairs on March 26, 2007 issued a Binding Letter of Interpretation of Development of Regional Impact (DRI) Status (BLID 03-2007-003, Hatchet Creek) which indicated that the proposed Hatchet Creek development consisting of 1,199 residential units, 175,000 square feet of retail space with no more than 940 parking spaces; and 60,000 square feet of office space will not be required to undergo DRI review.)

Z-7. This shall not be a gated community.

23LUC-07 PB Recommended Conditions 100407.doc

**Petition 23LUC-07 PB - Hatchet Creek PUD**  
**Status of Recommended Conditions of Approval as of 10/17/07**

<b>Condition</b>	<b>Acceptable (A) to Applicant</b>	<b>Not Acceptable (NA) to Applicant</b>
A-1, A-2, A-3, A-4		NA
B	A	
C	A	
D	A	
E		NA
F	A	
G		NA
H		NA
I		NA
J	A	
K	A	
L	A	
M		NA
N	A	
O	A	
P	A	
Q		NA
R	A	
S		NA
T	A	
U	A	
V	A	
W	A	
X		NA
Y		NA
Z-1		NA
Z-2	A	
Z-3	A	
Z-4	A	
Z-5	A	
Z-6	A	
Z-7		NA
Note - Applicant proposed a condition Z-8 re: accessory uses. Plan Board did not recommend approval of this condition.		

**Staff Note – Petition 23 LUC-07 PB**

070210

Prior to transmittal of the comprehensive plan amendment for the PUD to the Florida Department of Community Affairs, the applicant should submit a revised trip generation study based on the development program approved by the City Commission.

10/15/07