

Ralph III 200
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4/14/2008

**Petition 076SUB-07DB Eng, Denman & Associates, Inc., agent for Blues Creek
Development. Design plat review for Unit 5, Phases 2 and 3. Zoned: PD (Planned
Development.) Located at the 7900 Block of NW 78th Road.**

Bede Massey, Planner gave the Staff presentation and stated that this proposed development is for 44 lots that abuts an Agricultural zoned land located within both the city and county lines. Ms. Massey further stated that in September 2006 the Board first saw this petition as 11 SUB-06 DB and since that time the petitioner has chosen to file a new application for the design plat, of which the Planning Department feels it should not be approved, due to the implementation of the Land Development Code and the Comprehensive Plan.

Mark Garland, Environmental Review Coordinator stated that after reviewing the proposed development plan he has severe concerns about Phase 3, as it only has 8 lots on a small piece of land with a proposed road that will need to completely avoid two sinkhole wetlands and a high quality upland hardwood forest. Mr. Garland further stated that the proposed mitigation is not acceptable mitigation for impacts to the wetlands. Mr. Garland added that in 2005, the Suwannee River Water Management District gave the petitioner a permit for their original proposal of impacts through the middle of the wetland; however after talking to other environmental professionals and using his own experience, concluded that man can not recreate a forested sinkhole wetland. Mr. Garland stated that his recommendation has always been that the petitioner stop at Phase 2, and not proceed with the additional 8 lots in Phase 3.

Mr. Shatkin inquired if Mr. Garland has any environmental concerns of Phase 2 for this proposed development. Mr. Garland stated that there are fewer impacts to wetlands in Phase 2, of which has more land, than the narrow section of Phase 3.

Chair Higman inquired from Mr. Garland if he is satisfied with mitigation impacts to the wetlands. Mr. Garland stated that it is usually typical and satisfactory for the UMAM numbers to offset each other; however, this mitigation is not re-creating anything for the wetlands, nor offsetting whatever loss is occurring, as it is still extremely close to the wetland and even clips it to some extent.

Sergio Reyes, representative for the applicant stated that they have some concerns with Staff's Conditions 2, 3, 7, 10 and 16, and will respond to the Public Works comments during the construction stage of this development, as the design plat does not require detailed information at this stage in the development.

Mr. Boyes inquired why the petitioner feels building the eight lots in Phase 3 is worth the intrusion into the wetland buffer. Mr. Depew stated that a tiny little piece of the wetland and the wetland buffer is being impacted, as this development has been nibbled away to the point that it is no longer economically viable, and their request will be since, the Board would like to preserve it, is to buy it. Mr. Depew added that they have provided mitigation to the wetlands, and even though they do hit the buffer they will make sure that the wetland is not impacted.

Carl Salafrio, representative for the petitioner gave a presentation of the proposed development from inception and stated that they started with over two acres of wetland impacts, 54 lots and was originally going to run a road directly through the middle of the wetland; however after dealing with the District, City and the County lowered the proposed development to 1.28 acres of wetland and 50 lots. Mr. Salafrio further stated that in September 2005, after receiving their permit from the Water Management District, they further revised their plans to mitigate for the wetland impacts, and has reached to .0294 acres of proposed wetland impacts and 44 lots; giving back to the City of Gainesville and the Water Management District 2.65 acres for an impact to 1200 square feet.

The petitioner's representatives described and listed the following documents into the record:

- previous exhibit 4 that will now be exhibit 1
- original zoning resolution that was adopted in July 21, 1981, that will now be exhibit 2
- drainage easement copy, that will now be exhibit 3
- previous exhibit 2 that will now be exhibit 4
- series of maps beginning at exhibit 5

The Board opened the floor for public comment and neighborhood residents and citizens stated their concerns for the proposed development as:

- pushing this development through
- Phase 2 development will be draining into the sinkhole areas
- there is not a complete understanding of how sinkhole wetlands work
- beautiful, young large trees will be cut and wild life will be suppressed
- petitioner wants to build on a "Wetland" pure and simple

Clay Sweger stated that he will abstain from voting as he has a conflict with this petition.

The Board discussed the petition and asked questions of Staff.

Mr. Boyes stated that he does not have a big environmental issue with how the petitioner managed to get around the significant amount of wetlands they were initially going to impact; however has never approved a petition that was contrary to the Fire Department's opinion as it goes toward public safety and the Board would need to address it in the motion.

Mr. Haviland stated that he has a concern regarding Staff's Condition 12 regarding the Suwannee River Water Management permit and was not sure if the petitioner had an official permit. Mr. Salafrio stated that they do have a permit, and if the Board approves the proposed development, the petitioner would probably amend the permit to show what the actual impacts are now, verses what the impacts were when the permit was issued.

Ms. Cooper stated that she has issues with this proposed development due to the Fire Department's comments regarding public safety, as well as the wetland impacts not being in compliance with the Comprehensive Plan; as avoidance should be the focus for wetlands.

Ms. Cooper further stated that the petitioner's main focus is financial; and does not believe

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville

there is enough mitigation to justify the need for this proposed project, nor the type of density that the petitioner is trying to achieve for this site. Ms. Cooper added that these lots would have a lot more value if the natural areas are not destroyed.

Mr. Shatkin stated that he agrees with Ms. Cooper's comments and his main issue is that there is no connectivity to any adjacent properties. Mr. Shatkin further stated that even in Phase 2, the road is over 1000 feet; as well as the staff environmentalist stating that this is not appropriate mitigation for the impact.

Motion By: Monica Cooper	Seconded By: Joshua Shatkin
Moved To: Deny, as it does not fulfill the requirements of the Land Development Code.	Upon Vote: 3 – 2. (Nays: J. Higman, S. Boyes). Clay Sweger abstained.

