

# Blues Creek Unit 5 Phases 2 and 3

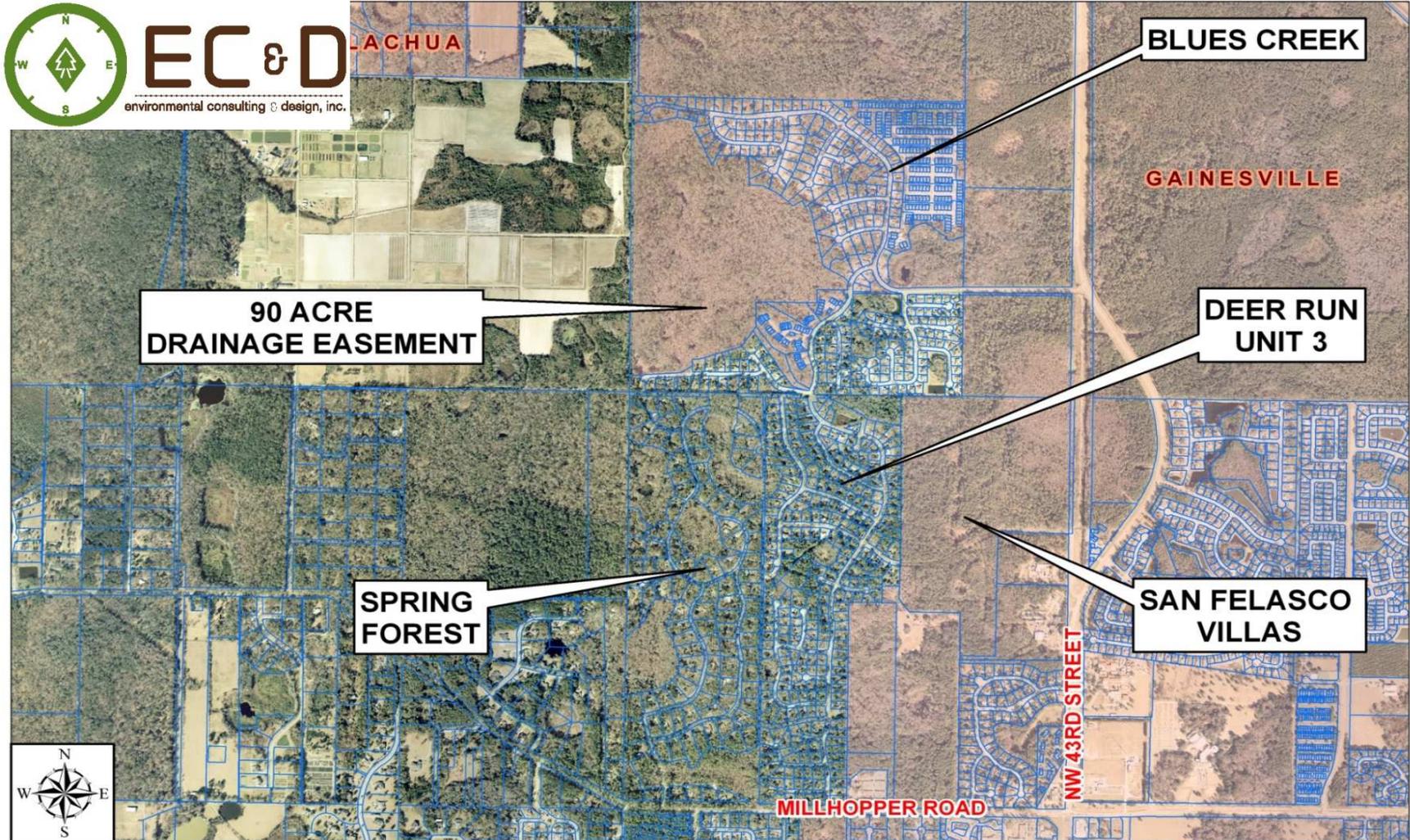


Eng, Denman and Associates, Inc.  
Environmental Consulting & Design, Inc.  
Morris-Depew Associates, Inc.  
Patrice Boyes, P.A.  
Blues Creek Development

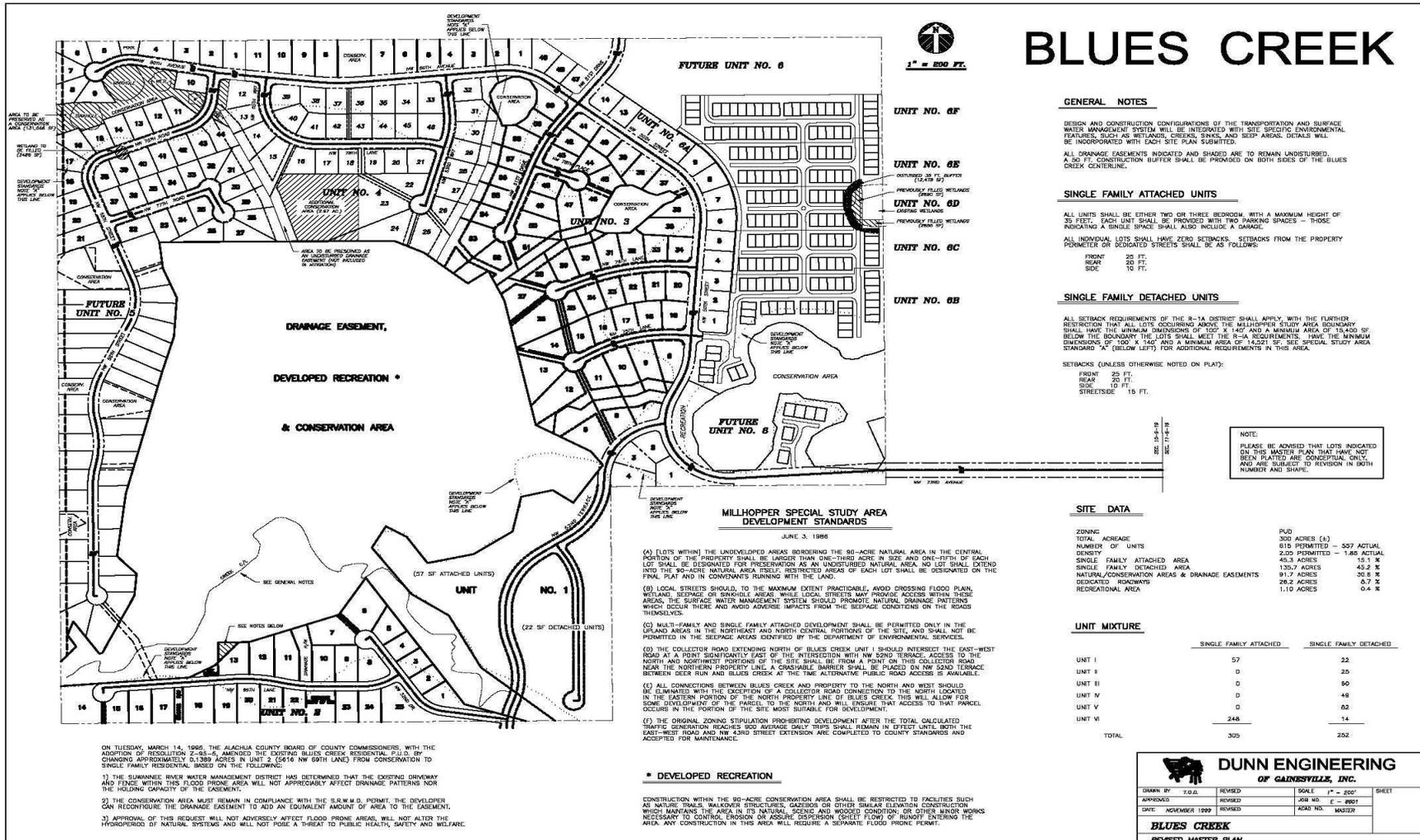


May 12, 2008  
(City Legistar # 071068E)

# Blues Creek Site Location



# Blues Creek Master Plan









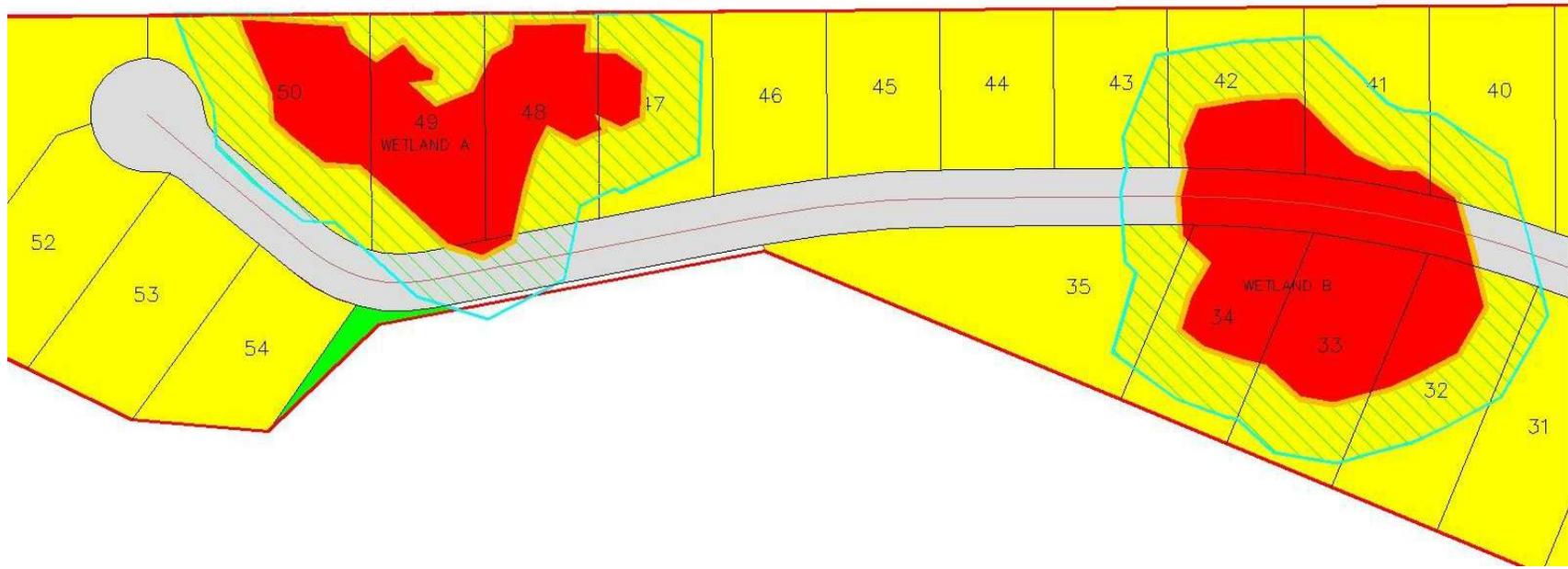


Carl Salafrio  
Environmental Consulting and Design, Inc.



# Avoidance and Minimization

- ▶ June 2004 – City of Gainesville submittal
  - ▶ 2.1 acres of proposed wetland impacts
  - ▶ 54 proposed lots



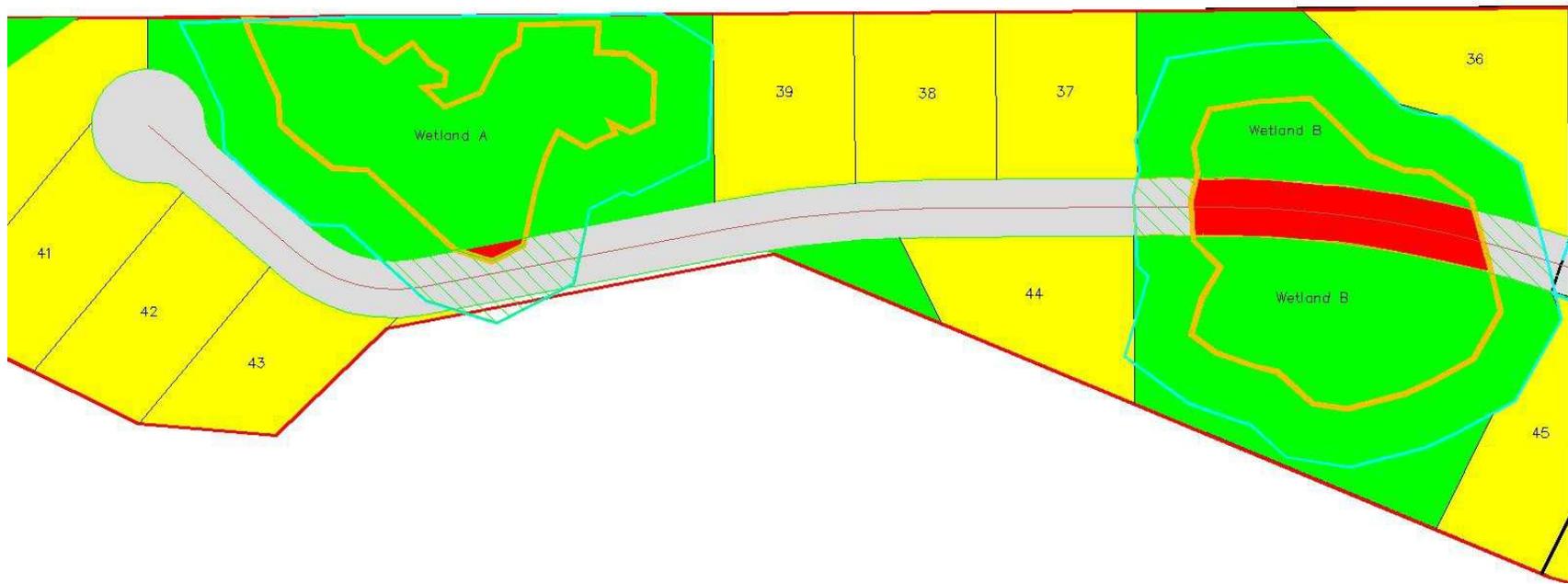
# Avoidance and Minimization

- ▶ August 2004 – City of Gainesville submittal
  - ▶ 1.2 acres of proposed wetland impacts
  - ▶ 50 proposed lots
- ▶ March 2005 – Suwannee River Water Management District (SRWMD)
  - ▶ 1.2 acres of proposed wetland impacts
  - ▶ 50 proposed lots



# Avoidance and Minimization

- ▶ September 2005 – ERP received from SRWMD
  - ▶ 0.39 acres of proposed impacts
  - ▶ 45 proposed lots
- ▶ January, March, July, September 2006 – Revised Plan to the City of Gainesville
  - ▶ 0.38 acres of proposed impacts
  - ▶ 45 proposed lots



# Avoidance and Minimization

- ▶ April, June 2007 – Revised Plan to the City of Gainesville
  - ▶ 0.0294 acres of wetland impacts (1,275 sq. ft.)
  - ▶ 44 proposed lots

18.5% decrease in lots, 98.6% decrease in wetland impacts



# SRWMD Permit

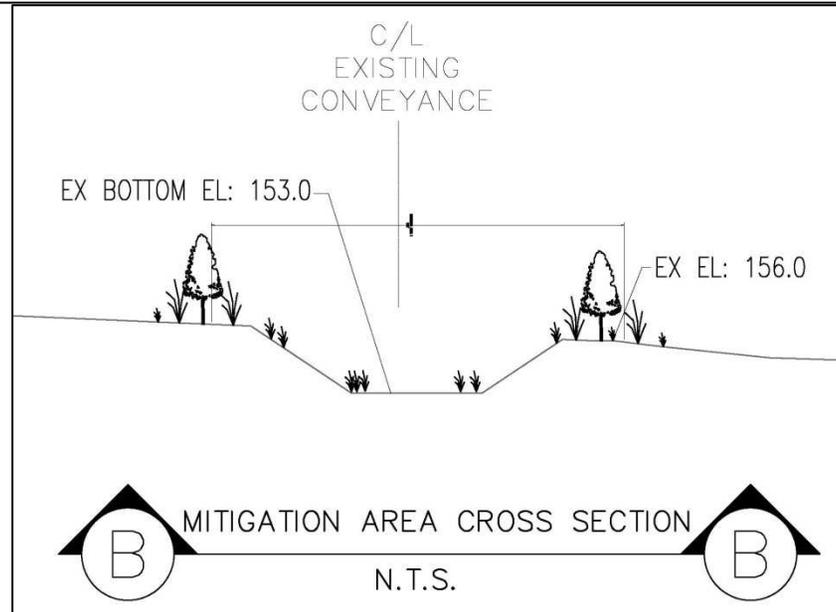
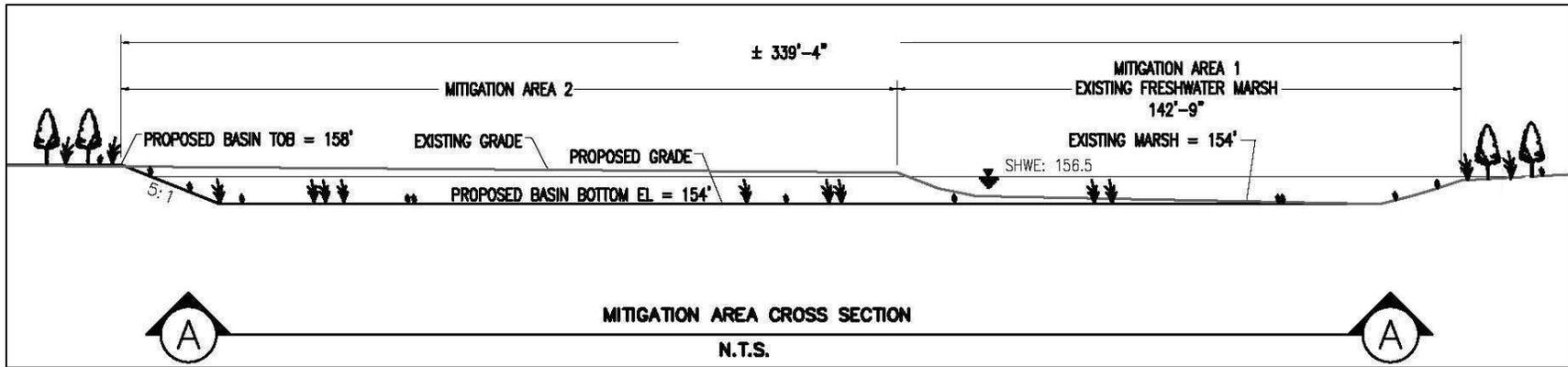
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- ▶ Environmental Resource Permit issued September 2005.
- ▶ Wetland Impacts totaled 0.39 acres within the project area.
- ▶ SRWMD required 0.56 acres of Mitigation.
- ▶ Provided 1.11 acres of Mitigation.

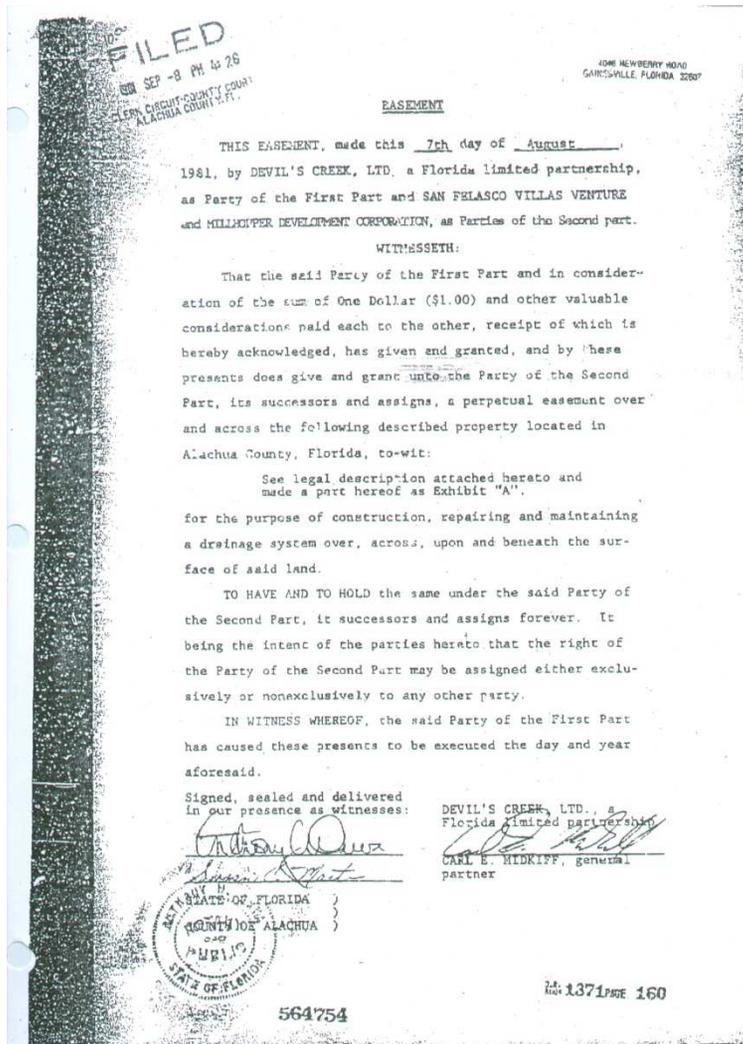




# Mitigation Cross Sections

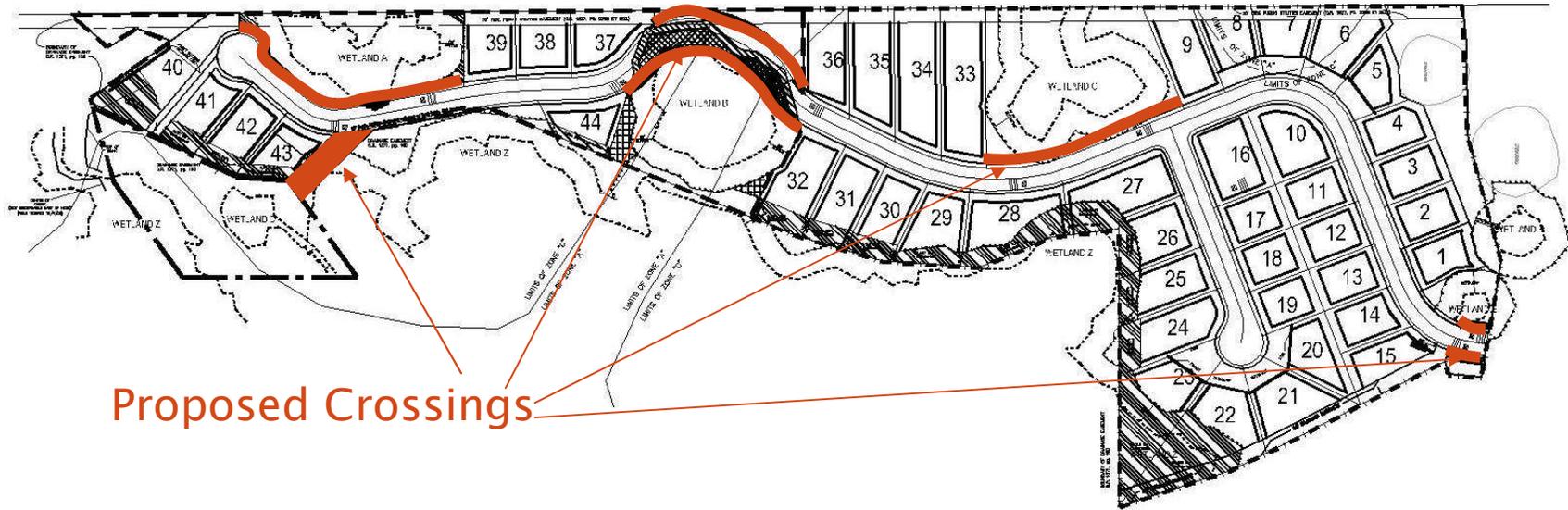


# Drainage Easement



- ▶ August 7, 1981
- ▶ “for the purpose of construction, repairing and maintaining a drainage system over, across, upon and beneath the surface of said land”

# Secondary Impact Mitigation



Proposed Crossings

Compensation for Secondary Impacts provided for loss of wetland buffer on impacted wetlands by:

- ▶ Speed deterrents in the roadways,
- ▶ Wildlife crossing signs, and
- ▶ Vegetation planted densely along portions of roadways adjacent to wetlands, as well as at the locations shown on Permit Drawings.



# Secondary Impact Mitigation

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- ▶ These measures will assist wildlife movement between undeveloped areas, the 90-acre drainage easement, conservation areas and the preserved wetlands.
- ▶ Providing this type of compensation for secondary impacts is in accordance with the SRWMD Applicant's Handbook, Chapter 12.2.7 and 12.3.1.5, and 62-345.100(5) F.A.C.
- ▶ Mitigation Areas for Secondary Impacts total 0.91 acres.



# Proposed Mitigation Success Criteria

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- ▶ 85% Coverage by desirable vegetation within the wetland and buffer.
- ▶ Exotic and invasive vegetation has been maintained under 5% for one year with no maintenance activities required.
- ▶ 85% survivorship for planted vegetation through the end of year three and continue through year five if further monitoring is necessary.
- ▶ Hydrological improvements result in water levels within the wetland enhancement area maintaining the desired SHWE or monitoring results reflect that an appropriate hydroperiod has been established and maintained to provide the expected wetland function.
- ▶ Monitoring for 3 to 5 years as required by the SRWMD Permit.



# Impact and Mitigation Summary

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	Acre(s)	Sq. Ft.
<b>Total Wetland Impacts</b>	<b>0.0294</b>	<b>1,275</b>
<b>Permitted Wetland Impacts by SRWMD</b>	<b>0.39</b>	<b>16,988</b>
<b>Required Mitigation by SRWMD</b>	<b>0.56</b>	<b>24,393</b>
<b>Required Mitigation After Revised UMAM for City</b>	<b>1.10</b>	<b>47,916</b>
<b>Provided Mitigation</b>	<b>1.74</b>	<b>75,794</b>
<b>Provided Mitigation for Secondary Impacts</b>	<b>0.91</b>	<b>39,640</b>
<b>Total Provided Mitigation</b>	<b>2.65</b>	<b>115,435</b>





David Depew  
Morris-Depew Associates, Inc.

# Hasan Plan

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- ▶ August 1980
- ▶ Area-wide drainage plan
- ▶ Adopted by Alachua County
- ▶ Intended to address drainage in project's drainage sub-basin
- ▶ Subsequent SJRWMD permits issued in compliance with Hasan Plan



# Zoning Approval: Alachua County

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- ▶ Z-81-68
- ▶ July 21, 1981
- ▶ Required development to be in accord with Hasan plan
- ▶ Required PUD to meet property development regulations of R-1a and R-3 districts



# Zoning Approval: Alachua County

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- ▶ Provided for phased development
- ▶ Ultimately tied development to 1999 Dunn site plan



# Annexation: City of Gainesville

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- ▶ Majority of Blues Creek Development annexed in 2001 & 2002
- ▶ Subject Property, Unit 5 Phases 2 & 3, annexed 3-1-2005
- ▶ City adopted PDD zoning for Subject Property



# Annexation: City of Gainesville

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- ▶ Staff Report 49ZON-05PB
  - ▶ “To avoid creating incompatibilities, nonconformities and confusion, the proposed PD zoning will be implemented by the PUD ordinance approved by Alachua County when this property was initially proposed for development. Therefore, should this petition be approved, the development regulations approved by the County within their PUD ordinance would be adopted and remain in place by the City so that future improvements or re-development of the property would be consistent and compatible with existing development in the vicinity.”



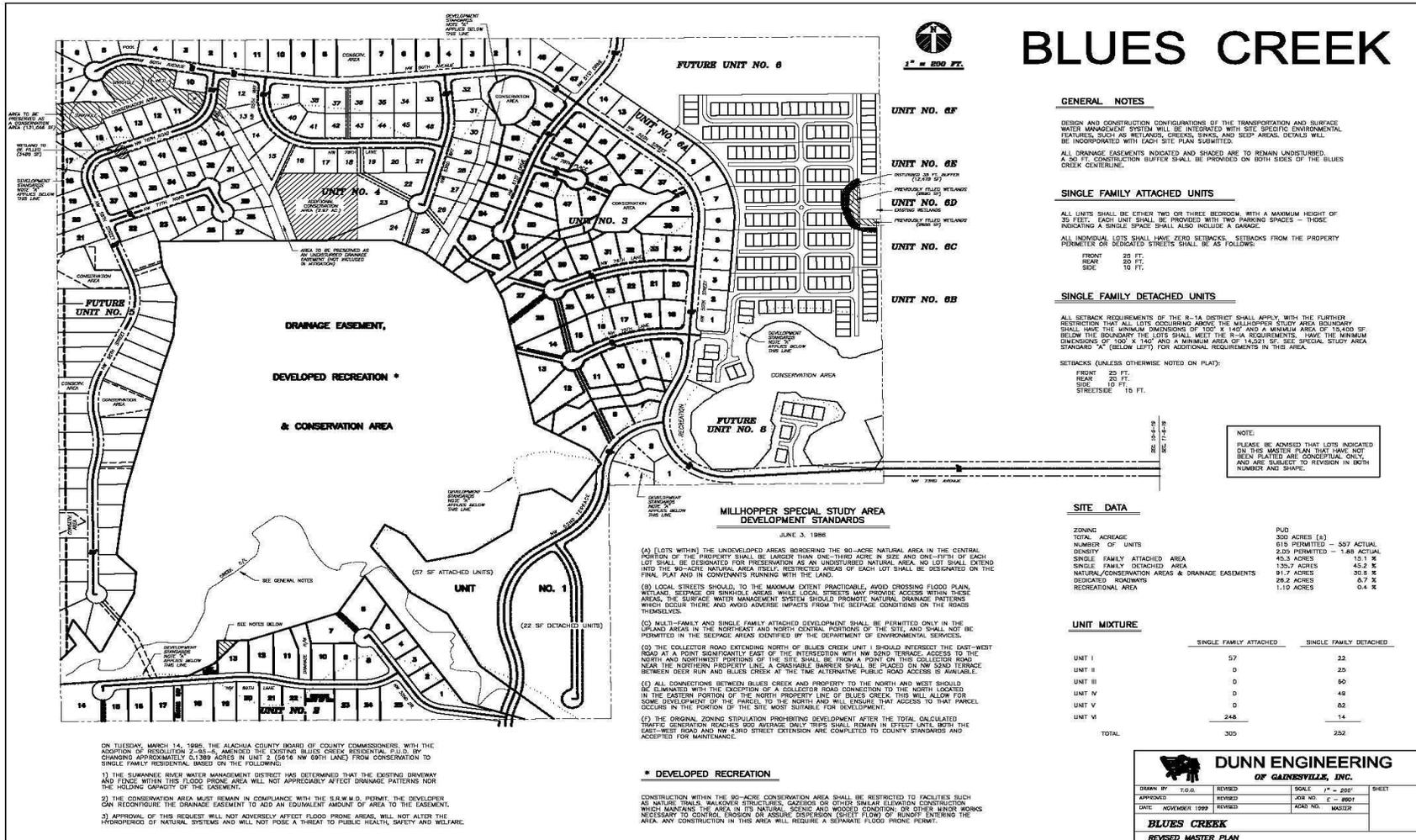
# Annexation: City of Gainesville

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- ▶ City adopted Ordinance 0-05-05
- ▶ Property zoned PDD
- ▶ Ordinance included as exhibits:
  - ▶ Alachua County Zoning Resolution Z-81-68
  - ▶ 11/99 Dunn Site Plan



# Dunn Site Plan



# Blues Creek Development

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- ▶ Approved 7/21/81
  
  - ▶ Under development continuously since that time
  
  - ▶ Significant infrastructure improvements undertaken by developer based upon approved site plan
    - ▶ Utilities
      - ▶ Water
      - ▶ Sewer
      - ▶ Electricity/Telephone/CATV/Stormwater Mgt.
    - ▶ Roadways
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# Blues Creek Development

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- ▶ Ongoing development
  
- ▶ Consistent with adopted plans
  
- ▶ City's vested rights provisions
  - ▶ Section 30-291
    - ▶ Right to continue development exists when developer has relied upon acts or omissions by the City
  - ▶ Section 30-29(2)c
    - ▶ Planned development approved prior to 5/23/91 that has continued to develop in good faith consistent with prior planned development approval



# Blues Creek Development

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- ▶ Approved prior to 5/23/91
- ▶ Planned development
- ▶ Developed in accordance with adopted master plan
- ▶ Master plan and prior zoning approval adopted as part of City's deliberate actions



# Drainage Easement

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- ▶ Initially adopted 8/7/81
- ▶ References Devil's Creek, Ltd., San Felasco Villas Venture, and Millhopper Development Corporation
- ▶ Purpose of Easement referenced in Z-68-81
  - ▶ Condition 1
  - ▶ “Previously approved master drainage plan for this area (Storm Water Management Plan for San Felasco Villas—Deer Run Units)”



# Drainage Easement

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- ▶ Part of an area-wide stormwater management plan
- ▶ No reference to conservation, preservation, or mitigation
- ▶ No permits tied to area of easement other than surface water management permits



# Drainage Easement

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- ▶ No prior credit issued for preservation, conservation, or mitigation in easement area
- ▶ City Code does not suggest that conservation, preservation, and mitigation are mutually exclusive concepts



# Wetlands

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- ▶ 373.414(1)(a) F. S.
  - ▶ Adverse impacts
- ▶ Section 30–302.1(e)7, Gainesville LDR's
  - ▶ All areas of impacts
  - ▶ “...the effect of development activity”
- ▶ Different standard



# Wetlands

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- ▶ State

- ▶ Whether development, “is not contrary to the public interest”

- ▶ City

- ▶ Whether development, “is clearly in the public interest”

- ▶ City requires a different finding than the State standard



# Wetlands

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- ▶ State
  - ▶ Applicable when an activity will be in, on, or over surface waters or wetlands
- ▶ City
  - ▶ Entirety of property subject to wetlands provisions regardless of whether wetlands are impacted
- ▶ City review different than that undertaken by State



# Wetlands

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- ▶ City Code
  - ▶ Section 30–302.1
  - ▶ Allows restoration or mitigation
  - ▶ Mitigation pursuant to:
    - ▶ Comprehensive Plan
    - ▶ Code
    - ▶ Appropriate water management district standards
- ▶ State and City differ on type of review, standard of review, and findings
- ▶ Yet, mitigation must be pursuant to WMD standards



# Conclusion

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- ▶ Blues Creek Phases 2 & 3 meet criteria for ongoing development
- ▶ Development plan vested in accordance with Dunn Plan and as expressly noted by PDD zoning
- ▶ Development plan could be considered vested under City's Code provisions
- ▶ Drainage Easement Area has not been used for preservation or mitigation efforts to this date
- ▶ Staff proposed development plan will render proposed development economically infeasible
- ▶ City's Code provisions as applied are in conflict with State's provisions and produce internal inconsistency

