



Alachua County Development Review Committee Staff Report

Project Number: DR23-000040

Final Development Plan and Plat for Tara Esmerelda Phase 2

SUBJECT: Tara Esmerelda Phase 2
DESCRIPTION: 16-lot single family residential subdivision
AGENT/APPLICANT: eda engineers-surveyors-planners, inc.
PROPERTY OWNER: Tara Esmerelda LLC

PROPERTY DESCRIPTION:

Location	14100 block of NW 13th Lane and the 13900 block of NW 10th Road
Parcel Numbers	Portion of 04289-000-000
Land Use	Low Density Residential (1-4du/acre)
Zoning	R-1A
Acreage	7.43

CHRONOLOGY:

Preliminary Dev. Plan Approval	12/12/23
Application Submittal	07/03/23
Insufficiency Report Sent	07/24/23; 08/22/23
Application Resubmitted	07/31/23; 09/05/23
Sufficiency Determination	01/03/23
Final Development Plan Hearing	01/18/23

STAFF RECOMMENDATION: Recommend **approval with conditions** of the Final Development Plan for Tara Esmerelda Phase 2 and **recommend approval of the Plat** to the BoCC.

DRC RECOMMENDATION: The DRC approved with conditions the Final Development Plan and **recommended approval of the Plat to the BoCC.**

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DESCRIPTION OF PROPOSED PLAN:

The Board of County Commissioners (BoCC) approved a Preliminary Development Plan for 40-lots on the entire 10.03 parcel in February 2021 with the following conditions:

1. *A Final Development Plan and Plat may be approved for up to 24-lots until a second fully functional access is provided to serve this development.*
2. *Provide a 5-foot-wide Ag buffer along the western and eastern property boundaries with the Final Development Plan.*

The DRC approved Phase 1 for 24 lots in January 2022, and the BoCC subsequently approved the Plat. The BoCC then approved a Revised Preliminary Development Plan in December 2023 with the following conditions (PDP revised condition was required prior to the applicant being able to move forward with the Final Development Plan):

1. *No building permits will be accepted for Phase 2 until the Certificate of Completion for the second access through Tara Verde has been issued by the Alachua County Public Works Department.*
2. *Provide a 5-foot-wide Ag buffer along the western and eastern property boundaries with the Final Development Plan.*

The revised condition allows the applicant to proceed with development plan approval of Phase 2 and the remaining 16 lots. With the revised PDP condition, the applicant will be able to begin horizontal construction of Phase 2 (roads). However, homes cannot be built until a second fully functional access point is provided. A project to the east, Tara Verde, is under review by staff and development of that project will provide the second full access connection.

The proposed Final Development Plan for Phase 2 includes 16 lot and an internal street to serve the lots. All of the Open Space, tree preservation and stormwater for the project was approved with Phase 1.

According to ULDC 402.43 (c), the purpose of the Final Development Plan is for the developer to present the fully engineered final development plan to the Development Review Committee for review. The Final Development Plan shall be consistent with the approved Preliminary Development Plan, other applicable provisions of the Unified Land Development Code, and the Comprehensive Plan. The Final Development Plan shall contain all items necessary to demonstrate compliance with the Unified Land Development Code and Comprehensive Plan.

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CONSISTENCY ANALYSIS:

The following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan and Land Development Regulations.

COMPREHENSIVE PLAN:

FUTURE LAND USE ELEMENT

Policy 1.3.2.1 Urban Residential Densities - *Areas designated on the Future Land Use Map for gross residential densities of one unit per acre or greater shall be considered as urban in character. There shall be four gross residential density ranges as follows:*

*(a) **Low Density:** One to four dwelling units per acre*

With 10.0 acres for the overall project, a minimum of 10 dwelling units is required and a maximum of 40 dwelling units is allowed. Phase 1 (24 lots) and Phase 2 (16 lots) provide 40 lots and the maximum density is achieved for the overall site.

Policy 1.3.7.1 Low Density residential land use category shall provide for single residential detached and attached dwellings. In addition, traditional neighborhood developments (TND), transit oriented developments (TOD) and planned developments may include mixed housing types and mixed uses.

The proposed Final Development Plan allows for single-family detached uses only. The proposed development plan is consistent with the future land use designation.

UNIFIED LAND DEVELOPMENT CODE:

ZONING DISTRICT AND USE REGULATIONS

The proposed development carries the R-1A zoning district which implements the Low Density Residential Future Land Use (ULDC 403.05 *Single Family Residential Zoning Districts*). The proposed use of single-family residential is consistent with Chapter 404 *Use Regulations*.

NATURAL AND HISTORIC RESOURCES PROTECTION

CONSERVATION AREAS

There are no conservation resources associated with this site.

OPEN SPACE

ULDC Section 407.52 - *Minimum open space requirement* requires at least 10 percent of the area of any development to be designated as Open Space and delineated on development plans and plats. ULDC Section 407.54 - *Open Space Areas* requires the

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following:

- (a) When land development involves a parcel that contains Conservation Management Areas, the Open Space requirement shall first be fulfilled with these areas, which shall be protected in accordance with Chapter 406, Article XVII.*
- (b) After the requirements of (a), above, have been met, the Open Space shall be one piece of contiguous land, at the periphery of the development to allow for connection to adjacent Open Space, except as specified in section 407.55. Open Space designated per this section shall have an average width of no less than 50 feet and shall be located within the development in a location that best meets the following goals:*
 - 1. Augments Conservation Management Areas or Open Space on adjoining parcels*
 - 2. Promotes connectivity to greenways, trails, public parks, and existing or potential Open Space on adjoining parcels.*

There are no conservation areas on the subject property nor on adjacent properties. There is no designated non-conservation Open Space adjacent to the subject property. The Preliminary Development Plan was approved with 10 percent (1.0 acre) of Open Space along the eastern boundary of the overall Tara Esmerelda. This was set aside with Phase 1. No Open Space is required for Phase 2.

TREE PRESERVATION

Sec. 406.12 (a)2 requires that development plans be designed such that a minimum of 20 percent of the tree canopy shown on the most recent aerials of the property available at the time of the application is retained. However, residential development that achieves 90 percent of the maximum allowable residential density shall preserve 10 percent of the existing tree canopy. The proposed development proposes a density of 4 units per acre for the entire build-out, which is the maximum allowable density, therefore a minimum of 10 percent is allowed.

Tree preservation for the entire project was set aside with Phase 1 and totaled 22.6 of existing canopy and is coincident with Open Space and consistent with the approved PDP.

Sheet L200 provides information on the required mitigation for trees that will be removed for Phase 2. Mitigation will be provided for through on-site plantings consistent with provisions in Sec. 406.13 *Relocation, replacement, mitigation*. This section requires either relocation, replacement, or mitigation for the alteration of regulated trees. Due to the number and size of the trees removed and limited space to replant trees onsite, there is a mitigation deficit. Mitigation by replacement is proposed for 48 inches. There is still a remaining deficit of 472 inches which will require a fee-in-lieu payment of

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\$61,360 prior to the issuance of Construction Permit. A fee-in-lieu payment is required when relocation or mitigation by replacement onsite is not feasible and is based on the adopted fee schedule rate of \$130 per caliper inch for the mitigation.

GENERAL DEVELOPMENT STANDARDS

URBAN CLUSTER DESIGN

Sec. 405.44 *Design Standards* requires all new development and redevelopment within the Urban Cluster to develop, at a minimum, consistent with the design standards for a TND in Chapter 407, Article 7. Single family residential development shall meet the standards for Outside Transit Supportive Area (OTSA).

Section 407.67 *Standards for Development Areas Outside the Transit Supportive Area* includes the requirement that development shall have a maximum block perimeter of 2,000 linear feet.

The General Development and Transportation Network Plan (Sheet C130) shows two blocks for this phase. Each block is less than the maximum 2,000 linear feet permitted.

SETBACKS AND HEIGHT RESTRICTIONS

There is a note on the plat that setbacks shall be consistent with the zoning district in Chapter 403. Minimum setbacks for this zoning district are 10-foot front, 20-foot garage front, 10-foot rear, and 5-foot side, with an accessory rear setback of 7.5 feet. These will be verified with each building permit.

LANDSCAPING AND BUFFERING

The adjacent properties to the east and west have an agricultural classification, and therefore a 5-foot-wide agricultural buffer is required along the eastern and western property boundaries per ULDC Chapter 407, Article 4 for *Landscaping*. These are appropriately shown on the development plan. Existing vegetation meets the planting requirements for the eastern buffer, which is the one under review with Phase 1.

The Landscape Plan demonstrates that 41.03 percent of the site will have canopy coverage from the required street trees meeting the requirement of Sec. 407.41 *Landscape and Planting Plan Objectives*. Street trees are the only landscaping required with this phase and are appropriately provided.

No final certificate of occupancy shall be issued until the County has granted final approval and acceptance of the installed landscape as well as the protection of existing native vegetation. Final approval shall include as-built landscape plan certification from a registered landscape architect certifying that the landscaping is installed and functioning as intended, that prohibited and discouraged non-native vegetation listed in Table 406.16.2 has been removed, and that all of the provisions of this Chapter have been met. The land owner shall submit a Certificate of Compliance, in a form acceptable by the Director, to the County as a condition of issuance of a Certificate of

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Occupancy.

Landscape Irrigation Design and Maintenance Standards, Article II of Part II, Title 7, Chapter 79 of the Alachua County Code went into effect 4/1/16. All new irrigation systems installed in unincorporated Alachua County now require County approval prior to installation, which includes a review fee and site plan. All systems will then go through an inspection process. The Alachua County Irrigation Professional Portal has been created to allow irrigation professionals to submit required documents and pay fees entirely online. For those who are not online, required information may be submitted on paper in person at the EPD office at 408 West University Ave in Gainesville, 8:30-5:00 Monday through Friday. For more information about the Landscape Irrigation Efficiency Code and for a list of helpful resources, we encourage you to click [HERE](#). For more information, contact Water Resources staff at 352-264-6800 or at Irrigation@AlachuaCounty.us.

STREET NETWORK STANDARDS

According to Sec. 407.140 (a)(5) *Street Network Standards – External Connectivity*, for developments containing 25 or more residential units, there shall be a minimum of two functional access points located on different sides of the subdivision except where infeasible due to original tract dimensions, topography, or existing development patterns. For a development containing only one access, as proposed with Tara Esmeralda, an emergency service access shall be provided and maintained in addition to the primary access [ULDC 407.140 (a)(6)].

The proposed project provides a main access point that connects to the existing NW 10th Road within the Strawberry Fields subdivision to the south. The same developer is also proceeding with plans for Tara Verde (a.k.a Alachua Verde), which is to the east of the Tara Esmeralda property. NW 13th Avenue will continue into the Tara Verde property and then the proposed roads within Tara Verde project connect to the Tara Greens development to the south which connect to the existing roadway network in Arbor Greens and Strawberry Fields. This will provide the second fully functional access point. The Board of County Commissioners approved the Preliminary Development Plan for Tara Verde on January 23, 2023 and it's under review for Final Development Plan that will be heard by the DRC.

The Final Development Plan also proposes a pedestrian network consistent with ULDC 407.142 (a) *Pedestrian network standards*. The network is in a connected block pattern with intersections of pedestrian facilities at least every 600 feet. The internal street network has 6-foot-wide sidewalks on both sides of the streets. The Street Network is consistent the approved Preliminary Development Plan.

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WATER AND WASTEWATER SERVICES

The development is within the Urban Cluster and is therefore required to connect to central water and sewer services by Policy 2.1 of the Potable Water and Sanitary Sewer Element of the Comprehensive Plan.

STORMWATER MANAGEMENT

Stormwater management facilities were designed and constructed with Phase 1.

TRANSPORTATION

The County has adopted a Multi-modal Transportation Mitigation program. The project will be required to enter into an MMTM agreement with the Board of County Commissioners (BoCC). There is a condition of approval limiting the issuance of the Construction Permit until the MMTM agreement has been approved by the BoCC.

PUBLIC SCHOOL FACILITIES

The Alachua County School Board staff has reviewed the proposed development for student impacts for compliance with the school concurrency management program in accordance with the Inter Local Agreement and determined that adequate school facilities are available in the affected School Concurrency Service Areas (SCSA). This capacity determination dated July 24, 2023 is based on findings that this project will require two elementary school student stations in the Southwest Alachua SCSA and no capacity is required in the Ft. Clarke Middle or Buchholz High SCSAs (due to low number of lots; concurrency evaluated overall with PDP and FDP Phase 1).

ADEQUACY OF SCHOOLS

The School Board in accordance with their Policy 5120-Assignment Within District will determine specific school assignment for students living in the development area. Student Assignment Rules states "The Superintendent may assign or reassign students on a case by case basis to schools or programs located in or out of their assigned zone, for the health, safety, or welfare of the students, other students or staff." No assurances are given that the assignments will be made to the most closely located, or currently zoned, facilities. The provision of services to students in the development area may require redrawing of attendance zone lines, reassignment and busing to facilities elsewhere in the District, the use of temporary facilities, and/or the relocation of specific educational programs.

CONCURRENCY

A Final Certificate of Levels of Service Compliance (CLSC) for all public facilities will be issued upon Final Development Plan Approval and will be valid for one year. Provided that construction has commenced within the allowable period, the project shall have reserved capacity for a period of no more than two years from commencement of construction.

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PLAT REQUIREMENTS

The plat document meets the minimum requirements set forth in Chapter 177 of Florida State Statutes and Chapter 402 Article 12 of the Unified Land Development Code of Alachua County.

According to ULDC 402.60 the developer shall file the plat, bearing the signatures of all applicable county representatives, for recording with the clerk of the circuit court of Alachua County no later than two years from the date of final plat approval by the county commission.

STATE AND FEDERAL PERMIT

The issuance of a state or federal permit shall not obligate the County to grant approval of any local permit and shall not be deemed to satisfy the requirements of the ULDC. As well, the issuance of this permit does not indicate that Alachua County believes that the applicant has all federal and state permits necessary prior to commencing construction.

Because §125.022(4), F.S. makes it hard for local governments to coordinate their permitting activities with state and federal permitting agencies, the applicant is advised that conflict with a subsequently issued state or federal permit may cause a need to apply for an amendment to this development plan approval.

Upon approval of a development plan, the applicant shall obtain all required state and federal permits prior to commencement of the development. Upon issuance of a required state or federal permit, the applicant shall furnish a copy of such permit to the applicable County department.

DEVELOPMENT PLAN EXPIRATION:

According to Section 402.47(b), an approved final development plan shall expire unless a complete application for a construction, building or other required permit has been accepted by the appropriate reviewing department within 12 months of the date of final approval and that such development is continuing in good faith. Applications for extension of time limit may be processed pursuant to Article 6 of Chapter 402 of the ULDC.

PLAT EXPIRATION:

According to Section 402.61, approval of a plat shall expire without further action of the BOCC unless the plat has been recorded within two (2) years of the date of BOCC approval of the plat. In order to avoid expiration, all plat documents outlined in Subsection 402.60(a) above must be complete and accepted by the County to obtain the signatures of County officials at least thirty (30) days prior to the two-year expiration date.

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STAFF RECOMMENDATION

Staff has found the proposed Final Development Plan to be consistent with the Comprehensive Plan, requirements of the Unified Land Development Code, and the approved Preliminary Development Plan.

Staff recommends **approval** with conditions of the Final Development Plan for Tara Esmerelda Phase 2.

Staff recommends the DRC recommend **approval** of the Plat to the BoCC for Tara Esmerelda Phase 2.

DRC RECOMMENDATION

The DRC approved with conditions the Final Development Plan **and recommended approval of the Plat to the BoCC.**

CONDITIONS

1. No building permits will be accepted for Phase 2 until the Certificate of Completion for the second access through Tara Verde has been issued by the Alachua County Public Works Department.
2. Prior to issuance of Construction Permit, pay tree mitigation fee of \$61,360 to Alachua County Parks and Conservation Lands, via the Growth Management Department, or provide revised plan demonstrating compliance with tree mitigation requirements.
3. Construction or demolition activities shall not begin until the applicant demonstrates that the two onsite wells have been properly plugged and abandoned. Submittal of a well completion report to the Alachua County Environmental Protection Department may satisfy this requirement.
4. A demolition permit for the historic structure cannot be issued until the provisions of Article XIII – Historic Structures and Sites, Chapter 406, ULDC, have been satisfied.
5. The applicant shall obtain all required state and federal permits prior to commencement of the development. Upon issuance of a required state or federal permit, the applicant shall furnish a copy of such permit to the applicable County department.
6. Any utility changes that affect the approved development plan will require additional approvals by Alachua County subject to the Unified Land Development Code.

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7. Prior to the installation of a new permanent irrigation system or substantial modification to an existing system, an irrigation plan must be submitted to and approved by the Alachua County Environmental Protection Department through the online Alachua County Irrigation Professional Portal. The irrigation system shall comply with Article II of Part II, Title 7, Chapter 79 of the Alachua County Code.