

RESOLUTION Z-19-06

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA, TO AMEND CONDITION 4 OF THE SOUTH POINTE PLANNED DEVELOPMENT (PD) DISTRICT REGARDING THE DESIGN AND IMPLEMENTATION OF THE NW 122ND STREET EXTENSION NORTH OF NEWBERRY ROAD ON PARCELS 04321-050-006, 04321-050-008 AND 04321-050-010 THAT ARE PART OF THE LARGER SOUTH POINTE PD (APPROXIMATELY 110 ACRES IN SIZE) LOCATED AT 324 NW 154TH STREET

WHEREAS, Zoning Application ZOM-06-19, a request to amend Condition 4 of the South Pointe Planned Development (PD) district regarding the design and implementation of the NW 122nd Street extension north of Newberry Road on parcels 04321-050-006, 04321-050-008 and 04321-050-010 as part of the larger South Pointe PD has been duly filed and was considered by the Alachua County Board of County Commissioners at its regular meeting of June 25, 2019;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA:

Zoning Application ZOM-06-19, a request by Scot Ross, agent, for Ross Investment Group, owner, to amend Condition 4 of the South Pointe Planned Development (PD) district regarding the design and implementation of the NW 122nd Street extension north of Newberry Road on parcels 04321-050-006, 04321-050-008 and 04321-050-010 that are part of the larger South Pointe PD located at 324 NW 154th Street, as summarized in the attached exhibit, is hereby approved with the following amended conditions and bases:

Conditions

1. The final location of internal roadways, lot configurations and other features shown on the Zoning Master Plan may be adjusted to minimize the impacts to existing flood plains, or other environmental features located within the limits of the property.
2. Appropriate infrastructure shall be constructed to support each phase. Infrastructure constructed beyond what is necessary to support each phase shall be at the developer's risk, and shall not be construed as a vesting of future phases of the development. The phasing shall be as follows:

LAND USE	PHASE I (COMPLETE)	PHASE II (2016-2026)	TOTAL
Residential	199 units	215 units (maximum)	414 units

3. Sixty feet of right-of-way (R/W) from the section line shall be reserved along the western boundary of the planned development. Upon issuance of a development order for construction of NW 122nd Street, the developer, or his successors or heirs, shall dedicate this reserved R/W at no cost to the public.
4. The developer shall design the portion of the NW 122nd St extension from Newberry Road to NW 13th Avenue to County standards. The design of the roadway shall include two 11' lanes, instreet bicycle lanes, a 10 foot wide multiuse path on the west side of the roadway except where not feasible due to site constraints in which

case an 8 foot wide path is permitted, and any necessary drainage improvements for the road including correcting deficiencies in the drainage of the GRU right of way. The design process shall include an archeological analysis conducted to County standards. The design must be found acceptable by the County Engineer and the developer must dedicate parcel 04321-301-021 to the County prior to the issuance of the 26th building permit within Phase 2 of the PD. NW 13th Ave shall be connected to the existing stabilized surface within the GRU right of way in a manner sufficient to provide emergency access to County standards until such time as the County completes construction of NW 122nd St as a paved collector roadway. The value of design and right of way dedication for NW 122nd St shall be considered the developer's fair share contribution for the site related impact of development trips to the NW 122nd St extension. The remainder of the PD shall continue to pay transportation impact fees or functionally equivalent transportation mitigation for offsite transportation impacts.

5. Internal sidewalks shall be provided on both sides of the two proposed roadways connecting to NW 122nd Street, on the extension of NW 118th Drive, along any dedicated roadway, and on any roadway located within the conventional "single family-detached" portion of the development. The developer shall be responsible for a network of 8-foot wide bicycle/pedestrian paths in accordance with the Zoning Master Plan which shall link each of the recreation and open space areas within the development. Paved bicycle/pedestrian paths, along interior streets, may be used in place of sidewalks.

6. The developer must update the traffic study performed for this project prior to the Final Development Plan approval for Phase II to demonstrate the validity of the traffic study's finding. The traffic study shall be submitted to the Public Works Department and the Department of Growth Management for review.
7. The developer shall be responsible for the construction of a bicycle/pedestrian path up to the eastern boundary of the site, as shown on this Zoning Master Plan.
8. The two large geologic features (sinkholes) shall be protected as Conservation areas and appropriately buffered, in accordance with Future Land Use Policy 8.4.3.
9. Prior to Final Development Plan approval, the applicant shall develop a long-term management plan to control kudzu that is acceptable to the Development Review Committee. Such plans shall include disposal methods.
10. Prior to commencement of construction, the applicant shall conduct a survey for gopher tortoises and shall have completed all necessary management or mitigation requirements of the Florida Fish and Wildlife Conservation Commission.
11. The lots along the west boundary shall be a minimum of 5,000 square feet in size. Patio home units may also be located adjacent to the single family attached portion of Fletcher's Mill PUD.

12. The total number of dwelling units shall not exceed 414 units. There shall be a maximum of 200 patio home units.

13. Required buffers for the PD shall be as follows:

- A. Southeast 1,000' (approximately): none required
- B. Single family conventional dwelling units: 15 ft. Low Density, exclusive of lots
- C. Patio home dwelling units: 20 ft. Low Density, exclusive of lots
- D. All required buffers shall be in place before completion of each appropriate phase.
All buffers may be increased to 50 ft. in width for use as recreation area.

14. To the greatest extent possible, dwelling units shall be clustered to preserve trees, environmentally significant areas, and habitat.

15. Where technically feasible, sidewalks and bicycle/pedestrian facilities shall be located at the maximum possible distance from edge of pavement, including utilization of the space currently designated as public utility easement on the Zoning Master Plan, with the public bicycle/pedestrian facilities.

16. The area identified in Phase I Unit IV as "Recreation" shall be subject to the following development standards:

- A. A minimum 20% of the existing tree canopy shall be preserved. Trees identified on the survey attached as Exhibit "B" that are removed shall be mitigated on a 2-for-1 basis

within the boundaries of Phase I unit IV.

- B. A maximum of 5,000 sf of impervious area shall be allowed, subject to stormwater management requirements if applicable.
- C. If lighting is proposed on the site, a photometric plan will be required at development plan review that indicates a light level of no more than 0.5 foot-candles at the boundary of the active common open space. Lighting shall be allowed between the hours of 9 AM and 8 PM.

Bases

1. Policy 1.4.1.3 of the Future Land Use Element of the Comprehensive Plan states *that appropriate access shall be developed at each phase to ensure viability of the development.* The proposed changes to Condition #4 continue to provide for emergency access while at the same time providing for the eventual completion of NW 122nd Street. This roadway segment will serve not only the South Pointe PD but adjoining subdivisions as well. It will also eventually act as a connector with 23rd Avenue to the north as well. This revised condition will allow for construction of additional phases at South Pointe to proceed while providing a mechanism for future access to serve the entire PD.

2. Policy 7.1.2 of the Future Land Use Element states that changes in the zoning map shall consider

(a) consistency with the goals, objectives, policies and adopted maps of the Comprehensive Plan

The proposed minor amendment to the South Pointe PD as conditioned is consistent with the goals, objectives, policies and adopted maps of the Comprehensive Plan. The original zoning master plan was approved prior to the adoption of the current Comprehensive Plan; Condition 4 addresses the requirement for a secondary functional access point which was not required on the original zoning master plan. The new language also allows for construction of a future 2 lane collector road that will be built to existing County standards.

(b) the availability and capacity of public facilities required to serve the development.

When considering a rezoning, this includes availability and capacity of existing public facilities and timing of future facilities based on capital plans. Specific determinations for any exceptions to the requirement to connect to a centralized potable water and sanitary sewer system will be made at the stage of development plan review, as detailed in Policy 2.1.1 of the Potable Water and Sanitary Sewer Element.

Public facilities are available and have sufficient capacity to serve the proposed development. The request will meet the minimum level of service for each public facility set forth in the Capital Improvements Element of the Comprehensive Plan.

(c) the relationship of the proposed development to existing development in the vicinity and considerations relating to environmental justice and redevelopment opportunities.

Staff has not identified any negative environmental justice or redevelopment potential issues as a result of this application. No new development is being proposed as part of this amendment. The revised condition requires completion of an archeological analysis done to County standards to ensure these resources, if present, are protected or mitigated.

(d) those factors identified by law, including that as a general matter an applicant is not entitled to a particular density or intensity within the range of densities and intensities permitted by the Comprehensive Plan, given due consideration of legitimate public purposes relating to health, safety, and welfare

This application does not proposed a net increase in the number of dwelling units or density already approved. Rather, the intent of this minor amendment is to amend an existing condition of the PD regarding transportation improvements.

3. Section 407.140(a)5 requires developments containing 25 or more lots or generating 250 or more daily trips, to have 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. As proposed in revised Condition #4, a second functional access point for emergency access only will be provided with any additional development to assure that this requirement is being met.

4. Sec. 402.77 of the ULDC states that when considering any application for rezoning, the standards and criteria listed below shall apply:

(a) *Consistency.*

(b) *Compatibility.*

(c) *Development patterns.*

(d) *Suitability.*

(e) *Adequate public services.*

(f) *Access.*

(g) *Public health, safety, and welfare.*

This minor amendment is not proposing any new development. Rather, it is modifying an existing condition to the PD dealing with transportation improvements. It is not generating new impacts or directly impacting the public health, safety or welfare. It is consistent with surrounding development in that, when finally executed, the proposed improvements to NW 122nd Street will result in a more cohesive road network not only for South Pointe but surrounding residential subdivisions as well.

DULY ADOPTED in regular session this 25th day in June, A.D., 2019.

BOARD OF COUNTY COMMISSIONERS OF
ALACHUA COUNTY, FLORIDA

By: Charles S. Chestnut, IV

Charles S. Chestnut, IV, Chair

ATTEST: Jesse K. Irby, II

Jesse K. Irby, II, Clerk

APPROVED AS TO FORM

[Signature]

Alachua County Attorney

(SEAL)

DEPARTMENT APPROVAL

AS TO CORRECTNESS

[Signature]

Department of Growth Management

Authorized Designee

EXHIBIT A

Legal Description

LEGAL DESCRIPTION (TOTAL PARCEL)

A PARCEL OF LAND SITUATED IN THE WEST HALF (1/2) OF SECTION 36, TOWNSHIP 9 SOUTH, RANGE 18 EAST, ALACHUA COUNTY FLORIDA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

FOR A POINT OF REFERENCE, COMMENCE AT THE SOUTHWEST CORNER OF SAID SECTION 36 AND RUN NORTH 89 DEG. 16 MIN. 52 SEC. EAST ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 660.00 FEET; THENCE RUN NORTH 00 DEG. 48 MIN. 18 SEC. WEST ALONG THE EAST LINE OF THE WEST 660.00 FEET OF SAID SECTION 36, A DISTANCE OF 53.15 FEET TO A CONCRETE MONUMENT (P.L.S. 4788) ON THE NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 26 AND THE NORTH LINE OF THAT 5.00 FOOT STRIP OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1941, PAGE 1275 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00 DEG. 48 MIN. 18 SEC. WEST ALONG SAID EAST LINE, A DISTANCE OF 4856.34 FEET TO A CONCRETE MONUMENT (P.L.S. 4788); THENCE RUN SOUTH 89 DEG. 57 MIN. 49 SEC. EAST PARALLEL WITH THE NORTH LINE OF SAID SECTION 36, A DISTANCE OF 1014.08 FEET TO A CONCRETE MONUMENT (P.L.S. 4788) ON THE NORTHERLY EXTENSION OF THE WEST LINE OF TAX PARCEL 4321-51; THENCE RUN SOUTH 00 DEG. 23 MIN. 10 SEC. EAST ALONG SAID NORTHERLY EXTENSION, A DISTANCE OF 705.34 FEET TO A CONCRETE MONUMENT (P.L.S. 2115) AT THE NORTHWEST CORNER OF SAID TAX PARCEL 4321-51; THENCE CONTINUE SOUTH 00 DEG. 23 MIN. 10 SEC. EAST ALONG THE WEST LINE OF SAID TAX PARCEL 4321-51, A DISTANCE OF 1414.35 FEET TO A CONCRETE MONUMENT (P.L.S. 2115) AT THE NORTHEAST CORNER OF TAX PARCEL 4321-50-6; THENCE RUN SOUTH 00 DEG. 18 MIN. 50 SEC. EAST ALONG A NORTHERLY EXTENSION OF THE WEST LINE OF "THE RETREAT PHASE ONE AT FLETCHERS MILL" AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'R', PAGES 94 AND 95 OF THE HEREIN REFERENCED PUBLIC RECORDS, A DISTANCE OF 423.94 FEET TO THE NORTHWEST CORNER OF SAID PLAT; THENCE CONTINUE SOUTH 00 DEG. 18 MIN. 50 SEC. EAST ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 1458.37 FEET TO THE SOUTHWEST CORNER OF SAID PLAT AND THE NORTHWEST CORNER OF "MAGNOLIA COURT AT FLETCHERS MILL" AS PER PLAT THEREOF, AS RECORDED IN PLAT BOOK 'R', PAGE 16 OF THE HEREIN REFERENCED PUBLIC RECORDS; THENCE RUN SOUTH 00 DEG. 39 MIN. 05 SEC. EAST ALONG THE WEST LINE OF SAID PLAT, A DISTANCE OF 605.31 FEET TO THE SOUTHWEST CORNER OF SAID PLAT AND THE NORTHWEST CORNER OF A FLORIDA DEPARTMENT OF TRANSPORTATION RETENTION POND PARCEL; THENCE RUN SOUTH 00 DEG. 27 MIN. 35 SEC. EAST ALONG THE WEST LINE OF SAID RETENTION POND PARCEL, A DISTANCE OF 235.29 FEET TO A CONCRETE MONUMENT (P.L.S. 4788) ON THE AFOREMENTIONED NORTH RIGHT-OF-WAY LINE OF STATE ROAD NO. 26 AND THE NORTH LINE OF THAT 5.00 FOOT STRIP OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 1941, PAGE 1275 OF THE HEREIN REFERENCED PUBLIC RECORDS; THENCE RUN SOUTH 89 DEG. 15 MIN. 16 SEC. WEST ALONG SAID NORTH LINE, A DISTANCE OF 979.32 FEET TO THE POINT OF BEGINNING. CONTAINING 110.854 ACRES, MORE OR LESS.

THIS PARCEL IS SUBJECT TO THAT 40.00 FOOT PERPETUAL EASEMENT DESCRIBED IN OFFICIAL RECORDS BOOK 1954, PAGE 2508, AND A 30.00 FOOT INGRESS AND EGRESS AND PUBLIC UTILITIES EASEMENT OVER THE WEST 30.00 FEET THEREOF, AS RECORDED IN OFFICIAL RECORDS BOOK 1836, PAGES 872 THROUGH 879, ALL OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.