

**RESOLUTION Z-12-09**

*A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ALACHUA COUNTY, FLORIDA FOR A MINOR PLANNED DEVELOPMENT AMENDMENT TO THE ALLOWED USES IN THE URBAN MIXED USE LAND USE AREAS IN A 'PD' (TOWN OF TIOGA PLANNED DEVELOPMENT) DISTRICT WITH A LAND USE DESIGNATION OF LOW DENSITY RESIDENTIAL (1-4 DWELLING UNITS PER ACRE) ON APPROXIMATELY 278.62 ACRES LOCATED AT 12900 BLOCK OF W. NEWBERRY ROAD (SR 26) ON TAX PARCEL NUMBERS 04333-008-000; 04333-009-000; 04333-011-000; 04333-012-000 AND 04333-012-001*

WHEREAS, Zoning Application ZOM-07-12 has been duly filed and was considered by the Alachua County Board of County Commissioners considered this zoning item at its regular meeting of August 28, 2012

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

Zoning Application ZOM-07-12, a request Jay Brown of Brown & Cullen, Inc., agent for Tioga Town Center, LLC, owners, to amend the allowed uses in the Urban Mixed Use land use areas to include *restaurants and bars* as shown on the attached Zoning Master Plan in a 'PD' (Town of Tioga Planned Development) district with a land use designation of Low Density Residential (1-4 dwelling units per acre) on approximately 278.62 acres located at 12900 Block of W. Newberry Road (SR 26) on Tax Parcel Numbers 04333-008-000; 04333-009-000; 04333-011-000; 04333-012-000 and 04333-012-001, as summarized in Exhibit A in this resolution, is hereby approved with the following conditions and bases:

**Conditions:**

1. Gross Residential density shall not exceed 1.92 dwelling units per acre with total dwelling units not to exceed 537. Residential dwellings, including "live-work units" shall be permitted within the Town Center and Town Villa land use category areas depicted on the Zoning Master Plan. Accessory units, when permitted in accordance with the Land Development Regulations, shall not count toward the total number of dwelling units in the PD. Future phases of the development are denoted as Phases 14-23. The total number of future phases may be adjusted up or down, provided the total number of dwelling units remains unchanged.
  
2. There shall be no new arterial access points connecting to Newberry Road (SR 26). All access connections to SW 8th Avenue shall comply with the access management standards of the Alachua County Land Development Regulations.
  
3. The Town of Tioga PD has been granted a Preliminary Certificate of Level of Service Compliance for roadways, which reserved 7,816 trips on area roadways identified in the Traffic Study. These reserved trips may be drawn down on a per-phase basis from the total number of reserved trips.
  
4. All internal traffic shall be controlled by stop signs.
  
5. A Conceptual stormwater management system shall be developed for the entire PUD concurrent with the first phase of development. It shall maintain pre-development flow rate and volume, accommodate a 100 year event and be designed for a karst sensitive area.

6. A minimum of 50 dwellings shall be built prior to any commercial development. A minimum of one phase shall occur each two years with a build out year of 2010. Each residential phase shall have a minimum of 15 units and a maximum of 60 units and each non-residential phase shall include a minimum of 5,000 s.f. of gross floor area, or 2 acres of gross site area, whichever is smaller. The development of all remaining non-residential land shall be permitted upon completion of 269 dwelling units (50% of the entire PUD).

7. The Developer shall be responsible for the design and construction of the segment of SW 8th Avenue abutting the PUD concurrently with the construction of the respective phases of the PUD adjacent to SW 8th Avenue extension.

8. Required perimeter buffering shall be provided as allowed by the Comprehensive Plan and identified on the Zoning Master Plan. Additional building setbacks, exceeding those established by the Zoning Master Plan, may be provided on the phased development plans in order to maintain or establish additional buffering from adjacent development. Alternatively, exterior lot depths may be reduced along the south and southeast property lines to provide adequate area for perimeter buffering outside of individually platted lots. Existing phases of development shall maintain the buffering and/or screening required or provided at the time of development plan approval. A 25-foot wide landscaped buffer shall be maintained along the Southern Boundary of the "Community Services/Retail" "Institutional" pod adjacent to the SW 8th Avenue extension across from the Miller Farms subdivision.

9. Landscaping shall not include plant species listed in 62C-52.011 (Florida Administrative Code), 5B-57 (F.A.C.) or Table 406.16.2 of the Unified Land Development Code (ULDC).

10. Issuance of a certificate of level of service compliance, pursuant to ordinance 92-7, shall be addressed as part of the preliminary and final development plan review process. Final development plan approval shall be conditioned on meeting concurrency requirements for roads, drainage, stormwater management, parks, solid waste, water and sewer, and mass transit. Violation of any of the terms and agreements of this planned development shall be grounds for revocation by the Board of County Commissioners.

11. The Architectural review committee shall be maintained for residential and commercial development in the planned unit development as part of the restrictive covenants of the planned unit.

### **Bases**

**1. Objective 1.6** of the Future Land Use Element states that (village centers shall) *provide for limited mixed-use centers integrated into new residential neighborhoods through specific site and design standards, to encourage the consolidation of trips and non-automobile modes of transportation, moderate peak hour automobile trips, enliven outdoor spaces, and calm or separate automobile oriented uses from pedestrian oriented uses.* The provision for uses as found in Chapter 404 (Use Table) Article 2 of

the Unified Land Development Code (ULDC) promotes and encourages the use of the town center by allowing a wider variety of uses than presently permitted by the PD. These will serve to moderate peak hour vehicular traffic by providing a wider variety of uses as well as promoting pedestrian use of the town center.

**2. Chapter 402.89(a)** of the ULDC states that *an amendment to an existing planned development shall be considered minor where it will not cause an expansion to an existing use or additional impacts to surrounding properties, natural resources or public infrastructure.*

The proposed amendment is a considered a minor amendment in that it will not cause and expansion of the existing Tioga Town Center nor will it cause additional or adverse impacts to surrounding properties, natural resources or public infrastructure.

**3. Chapter 404, Article 2 of the ULDC.** The use table of the ULDC provides permitted uses under the TND/TOD category. These include permitted uses, limited uses as well as special exceptions and special use permits. These cover a wide range of anticipated uses including personal services, professional services, retail sales and community services. The Town of Tioga Village Center is an integral part of the Town of Tioga, a mixed-use traditional neighborhood development. Inclusion of these new uses is consistent with the ULDC and will provide a unified set of permitted uses for all TND/TOD development in the county.

DULY ADOPTED in regular session this 28<sup>th</sup> day in August, A.D., 2012.

BOARD OF COUNTY COMMISSIONERS OF  
ALACHUA COUNTY, FLORIDA

By: \_\_\_\_\_

Paula M. DeLaney, Chair

ATTEST:

\_\_\_\_\_

J. K. Irby, Clerk

APPROVED AS TO FORM


\_\_\_\_\_

(SEAL)

Alachua County Attorney

DEPARTMENT APPROVAL

AS TO CORRECTNESS

  
\_\_\_\_\_

Department of Growth Management

Authorized Designee

## **EXHIBIT A**

### **Legal Description of Tioga Town Center (As furnished by surveyor)**

Parcel "A": That portion of Section 2, Township 10 South, Range 18 East, Alachua County, Florida: lying West of West End Golf View Estates, as recorded in plat book "J", page 5, public records of Alachua County, Florida; AND lying South of State Road No. 26 (a.k.a. Newberry Road); AND lying East of Town of Tioga Phase 1, as recorded in plat book "S", page 73, said public records; AND lying North of Town of Tioga Phase 5, as recorded in plat book 22, page 74, said public records.

(Per McMillen Surveying Inc. survey, Drawing 2001-084C, dated 8/02/02.)





**LAND USE TABLE**

LAND USE CATEGORY	TOTAL AREA (AC)	TOTAL UNITS	RESIDENTIAL UNITS	COMMUNITY UNITS	OFFICE UNITS	RETAIL UNITS	INDUSTRIAL UNITS	OTHER UNITS
PERIPHERAL RESIDENTIAL	33.64	12.79	21.24	50				14.40
INTERIOR RESIDENTIAL	151.78	43.71	84.24	208				37.24
COMMUNITY	6.00	2.13	0.88	4/A				0.00
OFFICE	1.18	0.42	1.18	4/A				0.00
RETAIL	26.71	20.38	46.84	4/A				18.77
INDUSTRIAL	33.63	10.00	27.14	4/A				0.00
OTHER	19.82	10.00	82.87	306				66.78
<b>TOTALS</b>	<b>263.66</b>	<b>100.00</b>	<b>194.34</b>	<b>506</b>				<b>100.00</b>

**RESIDENTIAL DEVELOPMENT NOTES (PHASES 1-2)**

1. PHASE 1 DEVELOPMENT SHALL BE LIMITED TO 10% OF THE TOTAL DEVELOPMENT AREA.

2. PHASE 2 DEVELOPMENT SHALL BE LIMITED TO 90% OF THE TOTAL DEVELOPMENT AREA.

3. ALL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING ORDINANCES AND SUBDIVISION REGULATIONS.

4. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.

5. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC UTILITIES.

6. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC ROADS.

7. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC SERVICES.

8. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC AMENITIES.

9. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC OPEN SPACES.

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19. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC OPEN SPACES.

20. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC UTILITIES.

**NON-RESIDENTIAL DEVELOPMENT NOTES**

1. ALL NON-RESIDENTIAL DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE APPLICABLE ZONING ORDINANCES AND SUBDIVISION REGULATIONS.

2. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.

3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC UTILITIES.

4. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC ROADS.

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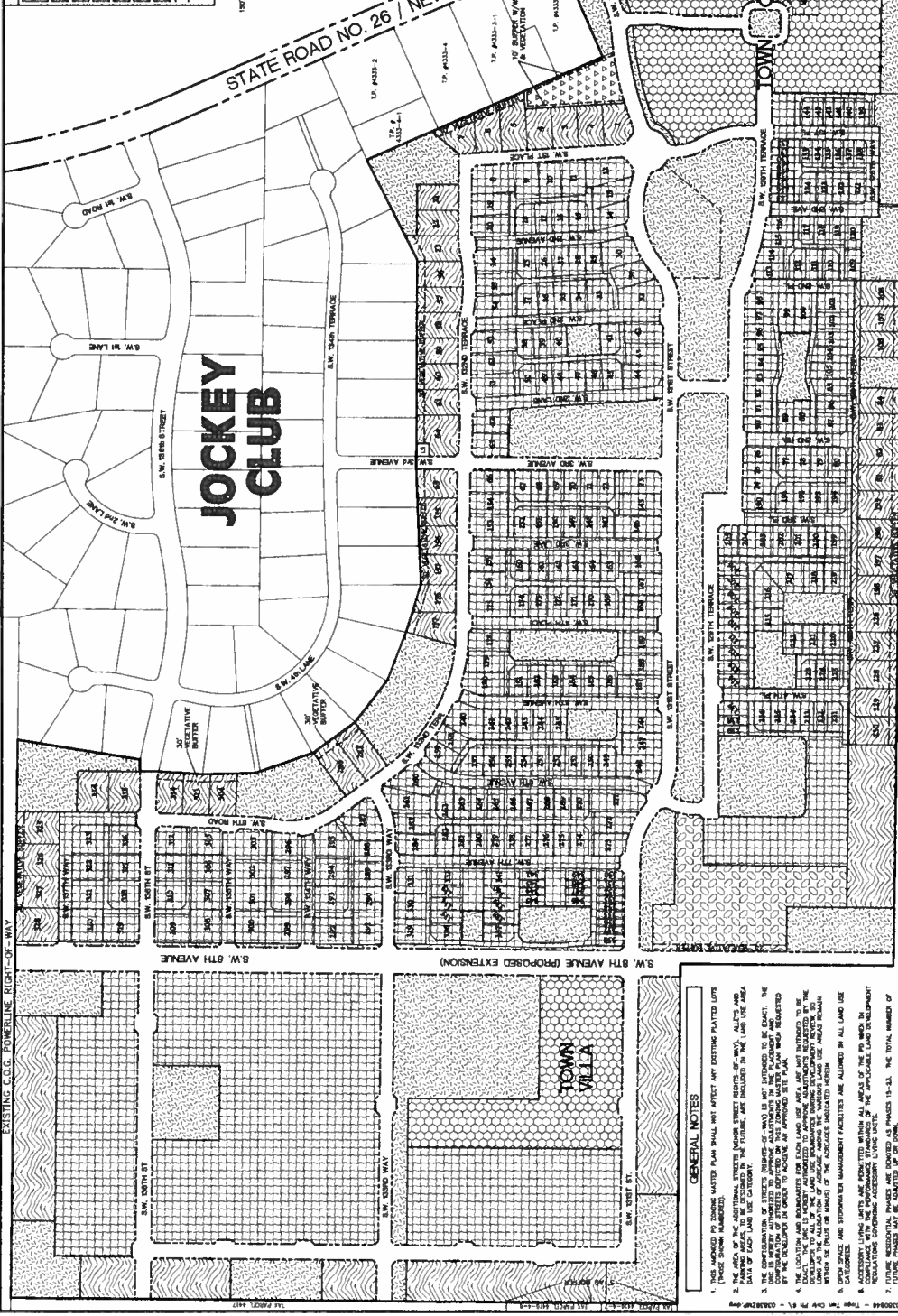
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20. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC SERVICES.



**BROWN & CULLEN CIVIL ENGINEERS AND LAND PLANNERS INC.**

15000 N.W. 57th Street  
 Fort Lauderdale, Florida 33309  
 Phone: (954) 575-0800  
 Fax: (954) 575-0801  
 E-Mail: info@brownandculen.com

PROJECT: TIOGA TOWN CENTER, INC.  
 2008 TOWN OF TIOGA PD AMENDMENT

PREPARED BY: [Name]

SCALE: 1" = 200'

DATE: 11/14/08

PROJECT NO.: 08033

4

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**TOWN CENTER LAND USE DATA**

LAND USE CATEGORY	AREA (AC)	AREA (SQ FT)	AREA (SQ YD)	AREA (SQ MI)	AREA (AC)	AREA (SQ FT)	AREA (SQ YD)	AREA (SQ MI)
PERIPHERAL RESIDENTIAL	33.64	1,458,000	157,000	0.25	33.64	1,458,000	157,000	0.25
INTERIOR RESIDENTIAL	151.78	6,500,000	700,000	1.25	151.78	6,500,000	700,000	1.25
COMMUNITY	6.00	250,000	27,000	0.04	6.00	250,000	27,000	0.04
OFFICE	1.18	50,000	5,400	0.01	1.18	50,000	5,400	0.01
RETAIL	26.71	1,100,000	120,000	0.20	26.71	1,100,000	120,000	0.20
INDUSTRIAL	33.63	1,400,000	150,000	0.25	33.63	1,400,000	150,000	0.25
OTHER	19.82	800,000	86,000	0.15	19.82	800,000	86,000	0.15
<b>TOTALS</b>	<b>263.66</b>	<b>10,500,000</b>	<b>1,135,000</b>	<b>1.95</b>	<b>263.66</b>	<b>10,500,000</b>	<b>1,135,000</b>	<b>1.95</b>

**GENERAL NOTES**

1. THIS AMENDED PD ZONING MASTER PLAN SHALL NOT AFFECT ANY EXISTING PLATTED LOTS.

2. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES.

3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC UTILITIES.

4. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC ROADS.

5. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC SERVICES.

6. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL PUBLIC AMENITIES.

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**PHASING REQUIREMENTS**

1. MAXIMUM TOTAL NUMBER OF RESIDENTIAL UNITS - 507 (TOTAL). TOTAL NUMBER OF RESIDENTIAL UNITS DEVELOPED TO DATE (PHASES 1-4) - 276 (TOTAL). TOTAL NUMBER OF RESIDENTIAL UNITS REMAINING TO BE DEVELOPED - 231 (TOTAL).

2. PHASING SCHEDULE: THE FOLLOWING SCHEDULE OUTLINES THE ANTICIPATED DEVELOPMENT STATUS OF THE PHASING SCHEDULE:

PHASE	AREA (AC)	AREA (SQ FT)	AREA (SQ YD)	AREA (SQ MI)	RESIDENTIAL UNITS	COMMUNITY UNITS	OFFICE UNITS	RETAIL UNITS	INDUSTRIAL UNITS	OTHER UNITS
1	33.64	1,458,000	157,000	0.25	50					
2	151.78	6,500,000	700,000	1.25	208					
3	6.00	250,000	27,000	0.04	4					
4	1.18	50,000	5,400	0.01	4					
5	26.71	1,100,000	120,000	0.20						
6	33.63	1,400,000	150,000	0.25						
7	19.82	800,000	86,000	0.15						
<b>TOTAL</b>	<b>263.66</b>	<b>10,500,000</b>	<b>1,135,000</b>	<b>1.95</b>	<b>276</b>					

3. LAND USE CATEGORIES: THE PHASING SCHEDULE OUTLINES THE ANTICIPATED DEVELOPMENT STATUS OF THE PHASING SCHEDULE.

4. THE YEARS INDICATED IN THE PHASING SCHEDULE SHALL BE EXTENDED TO COMPENSATE FOR CONSTRUCTION DELAYS THAT RESULT FROM ANY LEGAL CHALLENGE.

**EXISTING E.G.G. POWERLINE RIGHT-OF-WAY**

**TOWN VILLA**

**PHASING SCHEDULE**

PHASE 1: 33.64 AC, 1,458,000 SQ FT, 157,000 SQ YD, 0.25 SQ MI, 50 UNITS

PHASE 2: 151.78 AC, 6,500,000 SQ FT, 700,000 SQ YD, 1.25 SQ MI, 208 UNITS

PHASE 3: 6.00 AC, 250,000 SQ FT, 27,000 SQ YD, 0.04 SQ MI, 4 UNITS

PHASE 4: 1.18 AC, 50,000 SQ FT, 5,400 SQ YD, 0.01 SQ MI, 4 UNITS

PHASE 5: 26.71 AC, 1,100,000 SQ FT, 120,000 SQ YD, 0.20 SQ MI, 0 UNITS

PHASE 6: 33.63 AC, 1,400,000 SQ FT, 150,000 SQ YD, 0.25 SQ MI, 0 UNITS

PHASE 7: 19.82 AC, 800,000 SQ FT, 86,000 SQ YD, 0.15 SQ MI, 0 UNITS

**TOTALS:** 263.66 AC, 10,500,000 SQ FT, 1,135,000 SQ YD, 1.95 SQ MI, 276 UNITS

