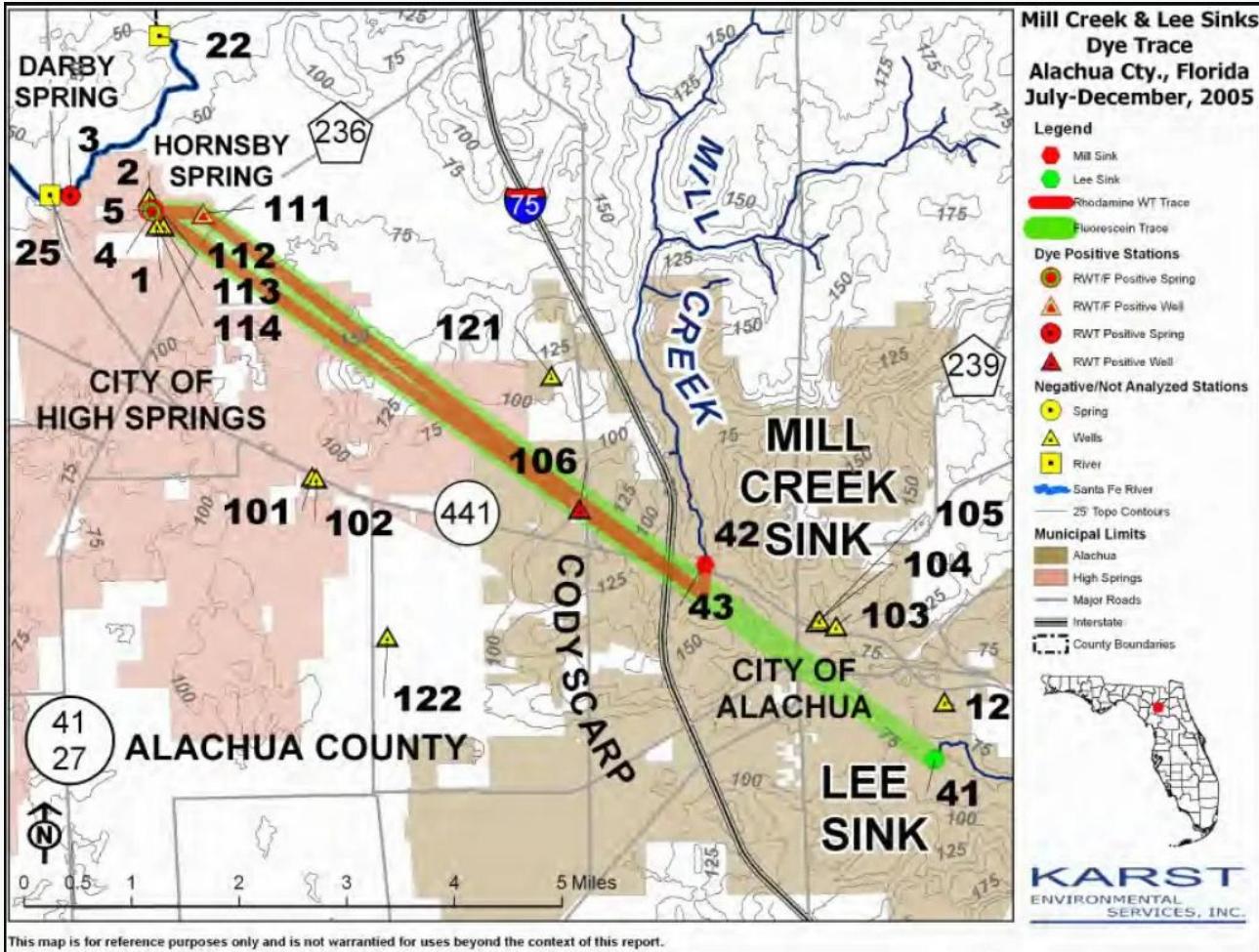


Identified Issues: Tara April Special Exception Permit

**Affected Party
January 13, 2026**





KARST
ENVIRONMENTAL
SERVICES, INC.

“Moreover, as a matter of law, your client cannot have a vested right which compels the City to approve a pending application for a Special Exception Permit for Tara April.”

- Excerpt of letter from David Theriaque, City Attorney to Jeff Childers, Attorney for Applicant. November 26, 2024



REPLY TO: TALLAHASSEE

November 26, 2024

VIA ELECTRONIC MAIL AND UNITED STATES MAIL

Jeff Childers, Esquire
Childers Law, LLC
2135 NW 40th Terrace, Suite B
Gainesville, FL 32605

Re: *Childers’ Letter Dated November 15, 2024*

Dear Mr. Childers:

I have reviewed your letter dated November 15, 2024, in which you request that the City of Alachua, Florida (“City”), schedule a hearing on December 10, 2024, for final approval of the Special Exception Permit for the Tara April Project. In support of your request, you made the following allegations:

1. Pursuant to Section 166.033, *Florida Statutes*, the City is required to schedule a hearing on December 10, 2024, for final approval of the Special Exception Permit for the Tara April Project;
2. Your client “holds enforceable vested rights” “by virtue of its substantial investments in reliance on existing approvals and assurances from the City and other regulatory bodies like the WMD”; and
3. “The County’s tardy interference, only arising after the significant investments were made in reliance on prior approvals, is in bad faith.”

Each of your allegations is addressed separately below.

TALLAHASSEE
423 NORTH MAGNOLIA DRIVE
TALLAHASSEE, FLORIDA 32308
(850) 224-7332
FAX: (850) 224-7662

ORLANDO
1809 EQUINOTES DRIVE
ORLANDO, FLORIDA 32804
(407) 347-5388
FAX: (407) 264-6132

www.theriaqueland.com

CITY: THREE TARA'S "INEXTRICABLY INTERTWINED"



City of Alachua

MAYOR GIB COERPEN
Vice Mayor Jennifer Blalock
Commissioner Shirley Green Brown
Commissioner Dayna Miller
Commissioner Edward Potts

OFFICE OF THE CITY MANAGER
MIKE DAROZ

June 29, 2022

Sayed Moukhtara
7717 NW 20th Lane
Gainesville, Florida 32605

RE: TARA FOREST WEST, TARA APRIL & TARA PHOENICIA

Dear Mr. Moukhtara:

This letter is in regards to the above referenced projects.

It has come to the attention of City staff ("Staff") during the review of development applications involving the above three referenced projects that were submitted at various times, that numerous aspects and requirements for them are inextricably intertwined or dependent on other prerequisites before they can be considered for final approval. In other words, none of the above projects stands on their own merit, but instead, they are dependent on the approval of the other applications.

Emphasis added; original text unaltered.

As such, Staff, including Planning & Community Development and Public Services, will not be proceeding with further review of each of these projects in their current form, as it does not appear that any of them can receive ultimate final approval standing individually on their own merit. As Staff has been reviewing the viability of the above referenced projects, the interdependency of one project on the other or on other applications has become readily apparent. Staff does not wish to mislead any applicant regarding the success of an application.

If you wish to discuss the above, a meeting with City staff can be arranged.

Regards,

Mike DaRoz





City of Alachua

MAYOR GIB COERPEN

Vice Mayor Jennifer Blalock
Commissioner Shidley Green Brown
Commissioner Dayna Miller
Commissioner Ed Potts

OFFICE OF THE CITY MANAGER

MIKE DAROZA

September 14, 2022

Sayed Moukhtara
7717 NW 20th Lane
Gainesville, Florida 32605

RE: TARA FOREST WEST, TARA APRIL, AND TARA PHOENICIA (PROJECTS)

Dear Mr. Moukhtara:

This letter is a follow-up to my letter dated June 29, 2022, (the "Letter"), and the meeting on August 18, 2022 (the "Meeting"), between you and your agents and City of Alachua ("City") staff ("Staff"), regarding the above referenced Projects.

A copy of the attendance sheet from the Meeting is attached. The purpose of the Meeting, as pointed out in the Letter, was to inform you of potential issues related to the Projects that have come to Staff's attention as individual applications have been submitted to the City as these issues may impact the viability of the Projects.

During the Meeting, Staff pointed out issues regarding the development of the Projects in relation to the environmentally-sensitive area known as Mill Sink, which is part of an underground cave system located in geographic areas potentially impacted by the Projects.

Emphasis added; original text unaltered.

There was also discussion during the meeting that in the past, development which might have any impact to the cave system has been of great concern to the public, Alachua County and organizations involving "cave divers," resulting in litigation.

Staff was pointing out some of the potential impacts. The meeting was not meant to be an in-depth discussion of any of the Projects. It was simply to bring to your attention impediments so as not to mislead you regarding the success of any of these applications.

No feedback was received at the meeting indicating any interest on your part to reconsider aspects of pending applications. Therefore, Staff is continuing to review the pending applications now that you have been informed of some of the initial impediments with them.

PO Box 9
Alachua, Florida 32616-0009

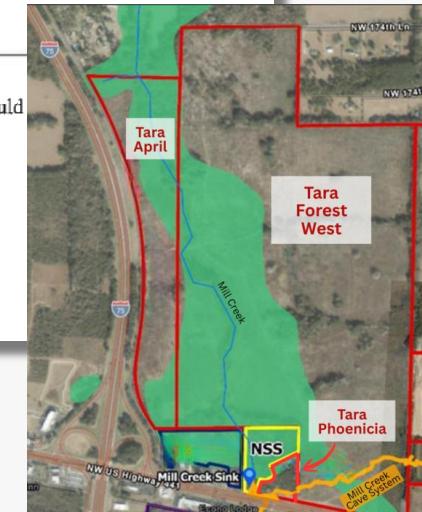
"The Good Life Community"
www.cityofalachua.com

Phone: (386) 418-6120
Fax: (386) 418-6130

All questions regarding any of these development applications should be directed to the Alachua Planning & Community Development Department.

Sincerely,

Mike DaRoza
City Manager



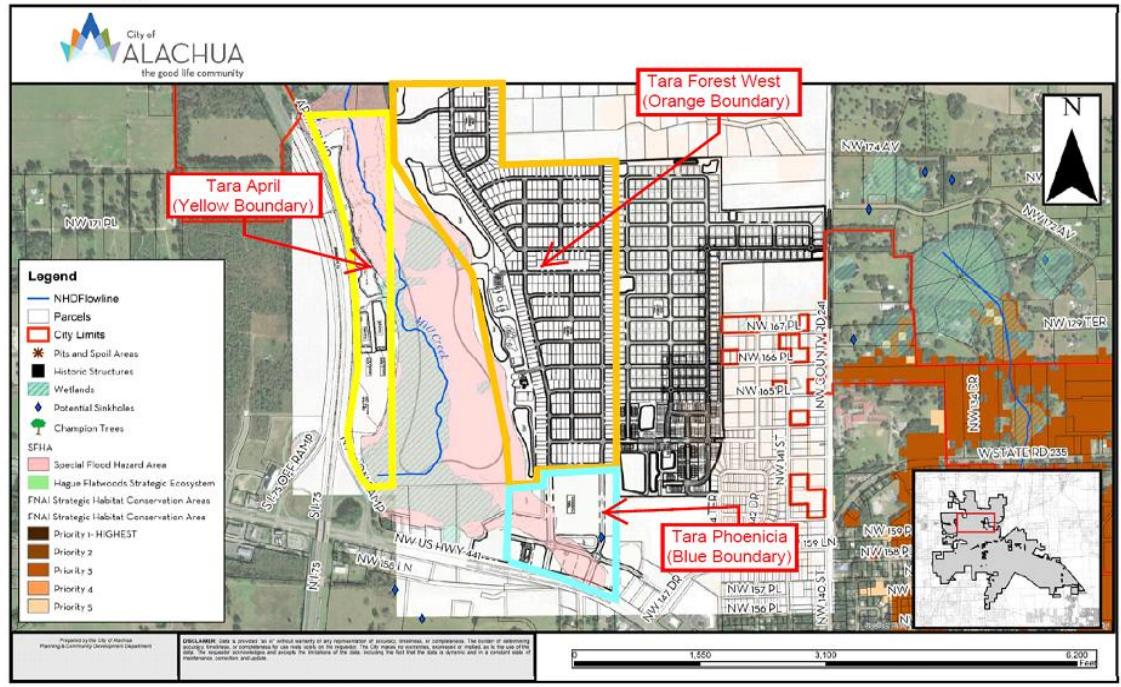
CITY: PROPERTIES ARE DEPENDANT

***“Tara Phoenicia
(floodplain
compensation) is
dependent upon
Tara April.***

*Tara Forest West
(access to US 441) is
dependent upon
Tara Phoenicia.”*

Source: City document
Tara_April_Phonecia_Forest_West_Consolidated_Timeline_&_Interrelation.docx
Date: 8/10/2022 @ 5:53 PM

Figure 1. Illustration of the Tara April, Tara Phoenicia, and Tara Forest West Projects



2021: Major Subdivision Preliminary Plat - Single Concept



Civil Engineering | Land Planning
Surveying | Construction Services

Gainesville | St. Augustine
3530 NW 43rd Street
Gainesville, FL 32606

Neighborhood Meeting Notice

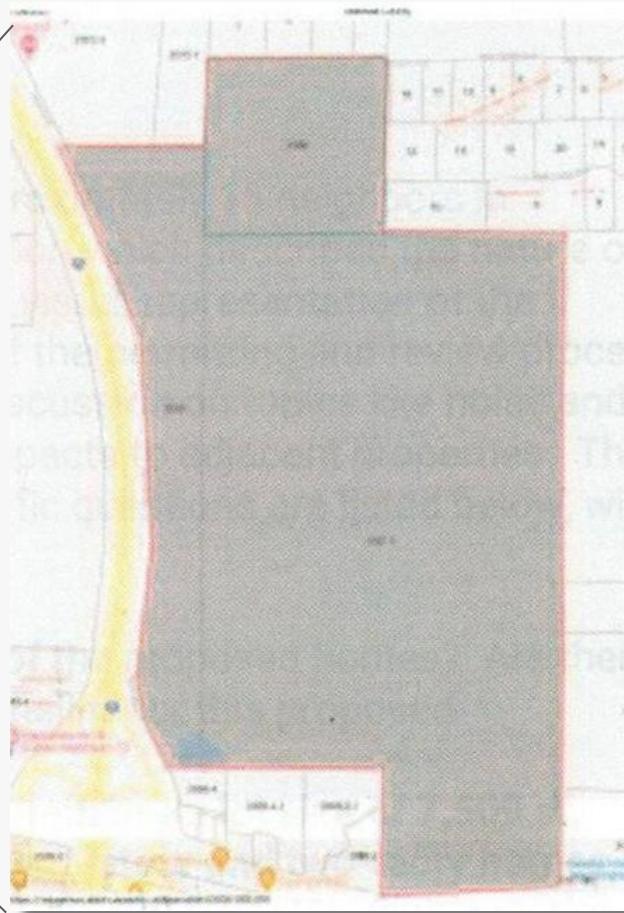
You are cordially invited to attend a Neighborhood Meeting as described below.

As a property owner located within the required 400-foot radius of a proposed development, you are hereby being notified of a proposal for a Major Subdivision Preliminary Plat as required by, Section 2.2.4 Neighborhood Meetings, of the City of Alachua Land Development Regulations. Tara Forest, LLC is proposing Major Subdivision Preliminary Plat to develop 540 single family homes on 393.95 acres in the City of Alachua, FL. The property is located at 15845 NW US Hwy 441 Alachua, FL. The proposed Major Subdivision Preliminary Plat will encompass, parcels numbers 03008-000-000, 03020-000-000, and 03067-001-000.



The neighborhood meeting will be held on August 18th, 2021, at the Swick House Conference Room, located at 15100 NW 142nd Terrace, Alachua, FL 32615, between the hours of 6:00PM and 7:00PM. You may also submit your comments electronically to the Representative for the Developer of the project, JBPro, Chris Potts, Director Engineering, 3530 NW 43rd Street Gainesville FL 32606, 352-375-8999 or by email at Chris.Potts@jbpro.com.

Contact Person: Chris Potts, PE @ JBrown Professional Group Inc.
Chris.potts@jbprogroupl.com
(352) 375-8999



FDOT: "...no need of water quality treatment" in I-75 basin

Application will say a *benefit* of the Special Exception Permit for a Minor Utility will provide stormwater quality treatment of I-75 runoff.

Florida Department of Transportation (FDOT): "*no need of water quality treatment...*"

From: Dycus, Douglas <Douglas.Dycus@dot.state.fl.us>
Sent: Monday, November 17, 2025 2:26 PM
To: Senter, Chris <Chris.Senter@dot.state.fl.us>; Stacie Greco <sgreco@AlachuaCounty.US>; Mary Szoka <mszoka@alachuancounty.us>; Smith, Brandon <Brandon.Smith@dot.state.fl.us>
Cc: Adams, Bradley <Bradley.Adams@dot.state.fl.us>; Woodard, Randall <Randall.Woodard@dot.state.fl.us>; Perez, Ernesto H <ErnestoH.Perez@dot.state.fl.us>
Subject: Re: Tara April- Do you know about this project?

Mary,

The Department prefers that the stormwater from the I-75 basin continue to free flow in the way that it does today without any restrictions. The Department is in no need of water quality treatment since the I-75 basin has its own stormwater treatment system that was permitted by SRWMD. Additionally, the proposed plan will be cutting off the base flow to the wetlands to the east.

Sincerely,

Douglas Dycus, P.E., CPM
District Environmental/Permit Engineer
FDOT District 2

Emphasis added; original text unaltered.

FDOT: "...no need of water quality treatment" in I-75 basin

From: Dycus, Douglas <Douglas.Dycus@dot.state.fl.us>

Sent: Monday, November 17, 2025 2:26 PM

To: Senter, Chris <Chris.Senter@dot.state.fl.us>; Stacie Greco <sgreco@AlachuaCounty.US>; Mary Szoka <mszoka@alachuacounty.us>; Smith, Brandon <Brandon.Smith@dot.state.fl.us>

Cc: Adams, Bradley <Bradley.Adams@dot.state.fl.us>; Woodard, Randall <Randall.Woodard@dot.state.fl.us>; Perez, Ernesto H <ErnestoH.Perez@dot.state.fl.us>

Subject: Re: Tara April- Do you know about this project?

Mary,

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Sincerely,

Douglas Dycus, P.E., CPM
District Environmental/Permit Engineer
FDOT District 2

Emphasis added; original text unaltered.

NON-COMPLIANCE WITH FUTURE LAND USE: TOPOGRAPHY

Your client has also failed to demonstrate compliance with Policy 5.1.a of the Future Land Use Element of the City's Comprehensive Plan, which states as follows:

Policy 5.1.a: Topography:

The City shall protect the natural topography of the City, including steep and seepage slopes, by requiring new development to include techniques to minimize negative impacts on the natural terrain. An emphasis will be placed on retaining the natural function of seepage slopes during development. Additionally, retention of existing native vegetation will be encouraged as one method of protecting slopes.

Based upon information provided by your client, the Tara Phoenicia Project proposes to add approximately 9,000 truckloads of cut and fill which will total approximately 130,000 cubic yards. Similarly, the Tara April Project also proposes a substantial change in the topography of the subject property. Thus, the Tara Phoenicia Project and the Tara April Project propose to substantially alter, not protect, the natural topography of the City.

The above-referenced provisions of the City's Comprehensive Plan are just a few examples of deficiencies associated with your client's pending applications.

Emphasis added; original text unaltered.

November 26, 2024

VIA ELECTRONIC MAIL AND UNITED STATES MAIL

Jeff Childers, Esquire
Childers Law, LLC
2135 NW 40th Terrace, Suite B
Gainesville, FL 32605

Re: *Childers' Letter Dated November 15, 2024*

Dear Mr. Childers:

I have reviewed your letter dated November 15, 2024, in which you request that the City of Alachua, Florida ("City"), schedule a hearing on December 10, 2024, for final approval of the Special Exception Permit for the Tara April Project. In support of your request, you made the following allegations:

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2. Your client "holds enforceable vested rights" "by virtue of its substantial investments in reliance on existing approvals and assurances from the City and other regulatory bodies like the WMD"; and
3. "The County's tardy interference, only arising after the significant investments were made in reliance on prior approvals, is in bad faith."

Each of your allegations is addressed separately below.

TALLAHASSEE
433 NORTH MAGNOLIA DRIVE
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(850) 224-7332
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www.theriaquelaw.com

ORLANDO
1850 E. ENDWATER DRIVE
ORLANDO, FLORIDA 32804
(407) 347-5388
FAX: (407) 264-6132

CITY DEFINITIONS

Developer agreement means an agreement by a developer with the City that clearly establishes the developer's responsibility regarding project phasing, the provision of public and private facilities, and improvements and any other mutually agreed to terms and requirements.

Development has the meaning as defined in F.S. §§ 163.3164 and 380.04, as amended; provided, however, for the purposes of Section 6.9.4, Floodprone area standards, means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Development agreement means an agreement entered into between a local government and a person associated with the development of land, including, but not limited to, development agreements in accordance with the Florida Local Government Development Agreement Act (F.S. 163.3220 et seq.), or an agreement on a development order in accordance with F.S. ch. 380.

Emphasis added; original text unaltered.

Where is a floodway encroachment analysis?

Figure 3. Excerpt of Letter dated November 14, 2022 from Adam Hall, AICP, Principal Planner, to the applicant's agent, Chris Potts, P.E., LEED GA, of JBrown Professional Group

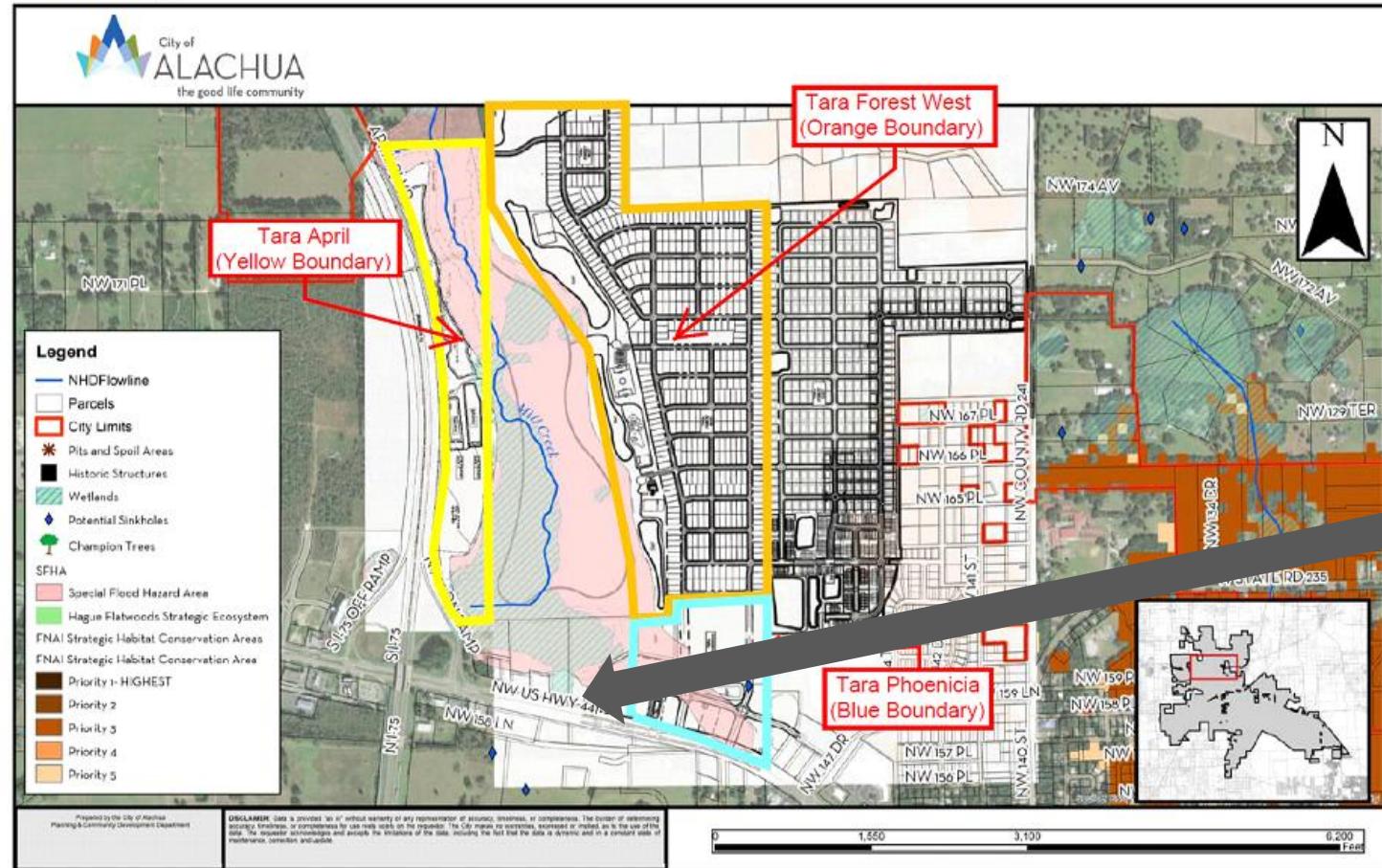
- d. Section 6.9.4 (E)(3)(a) requires that a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in the base flood elevation. Further, a conditional letter of map revision must be submitted with infrastructure plan documents prior to approval of infrastructure plan.

New Comment: A floodway encroachment analysis must be submitted showing there will be no increase in floodplain elevations. This study must be submitted demonstrating that proposed fill of floodplain area will be adequately compensated for. Section 6.9.4 (E)(3)(b) requires that hydrologic and hydraulic analyses be conducted that demonstrate that the cumulative effect of the proposed development,

when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point in the City. Further, please note that the per Section 6.9.5 (B), there shall be no development or dredging or filling activity that alters the natural function of the wetlands. As the proposed fill area and potential compensatory storage area are separated by a wetland area in between, the engineering study must also include environmental data and analysis that demonstrates the natural function of the wetlands will not be impacted.

Emphasis added; original text unaltered.

Figure 1. Illustration of the Tara April, Tara Phoenicia, and Tara Forest West Projects



Mill Creek Sink

Arrow added; original designations unaltered.

Special Exception Criteria

The Applicant is requesting a special exception use for Minor Utilities on land zoned Agricultural per the zoning atlas by the City of Alachua.

This application must adhere to the criteria outlined in the Land Development Code (LDC).

Section 2.4.4 Special Exception Permit

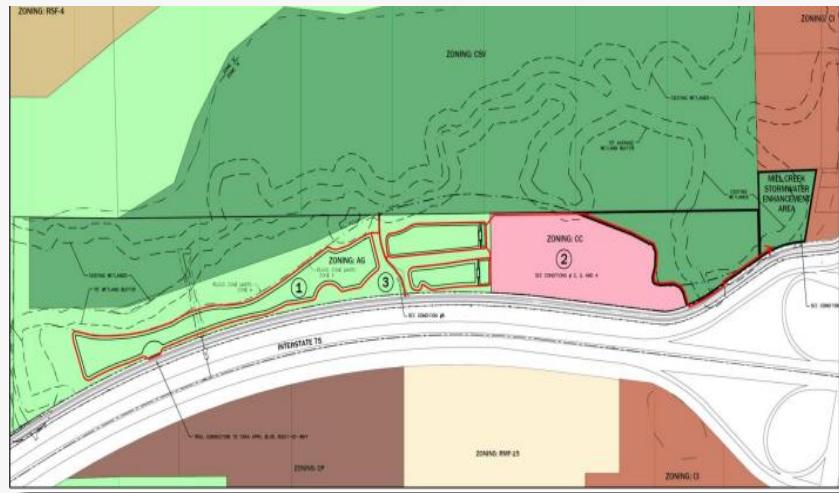
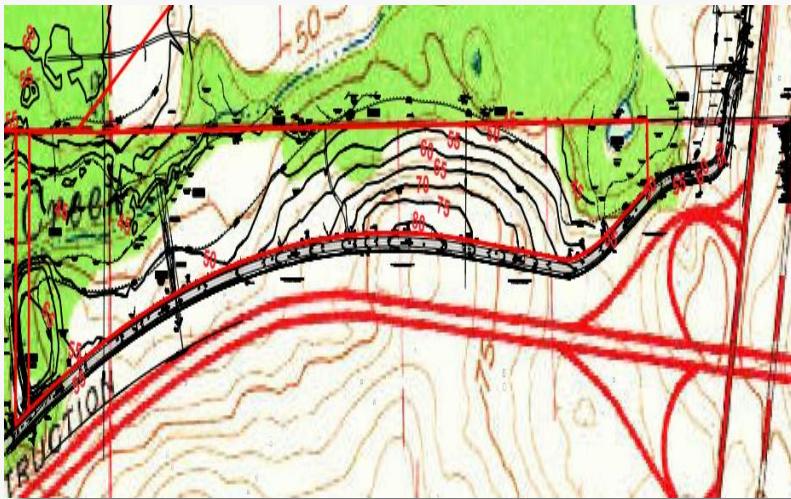
Section 4.3.2(I)(4)(a) Utility, Minor



Section 2.4.4(D) Special Exception Permit

- (1) Complies with use specific regulations.
- (2) Compatibility.**
- (3) Design minimizes adverse impact.
- (4) Design minimizes environmental impact.**
- (5) Roads and other public facilities.**
- (6) Not injure neighboring land or property values.**
- (7) Drawings.**
- (8) Complies with all other relevant laws and ordinances.**

Existing Site Conditions



Definition: Compatibility

The City does not have a definition of “compatibility” so we must defer to the definition per State Statute.

Per Fla. Stat. § 163.3164(9) *“Compatibility” means a condition in which land uses or conditions can coexist in relative proximity to each other in a stable fashion over time such that no use or condition is unduly negatively impacted directly or indirectly by another use or condition.*

Application must demonstrate it will meet the state definition for *compatibility* outlined in Fla. Stat. § 163.3164(9).

Definition: Karst

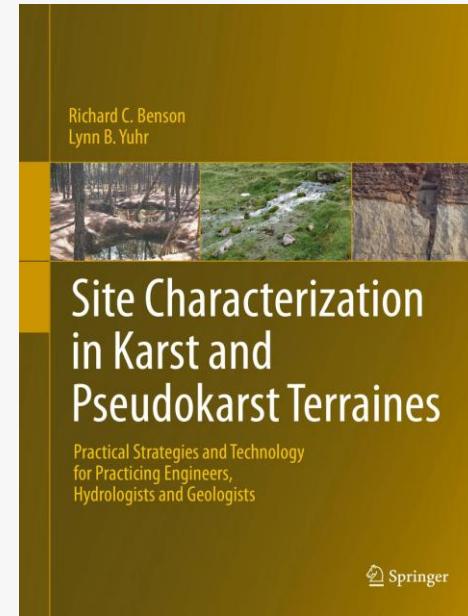
Per **Florida Department of Environmental Protection (FDEP)**:

"Karst is a generic term that refers to the characteristic terrain produced by erosional processes associated with the chemical weathering and dissolution of limestone or dolomite, the two most common carbonate rocks in Florida. Dissolution of carbonate rocks begins when they are exposed to acidic water. Most rainwater is slightly acidic."

- <https://floridadep.gov/fgs/sinkholes>

Photo: Buda Mine in Newberry, FL (1963)

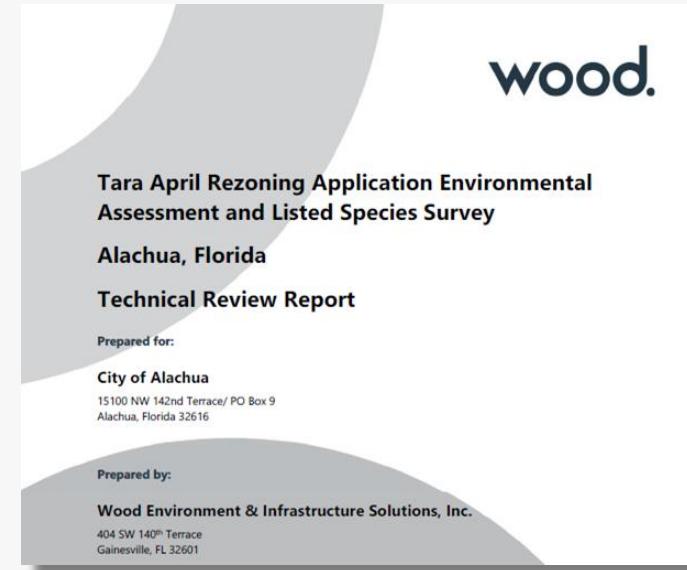
Removal of sand prior to the mining of limestone.

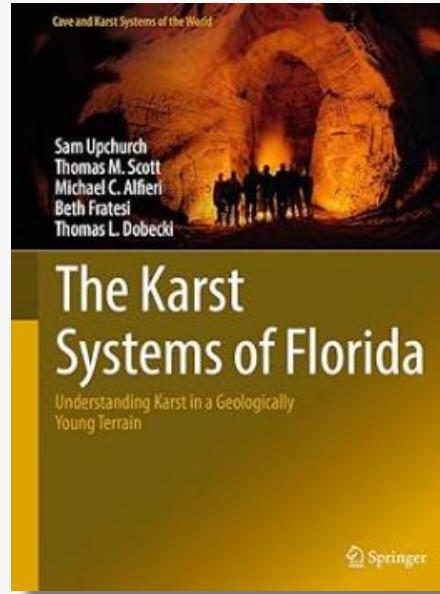
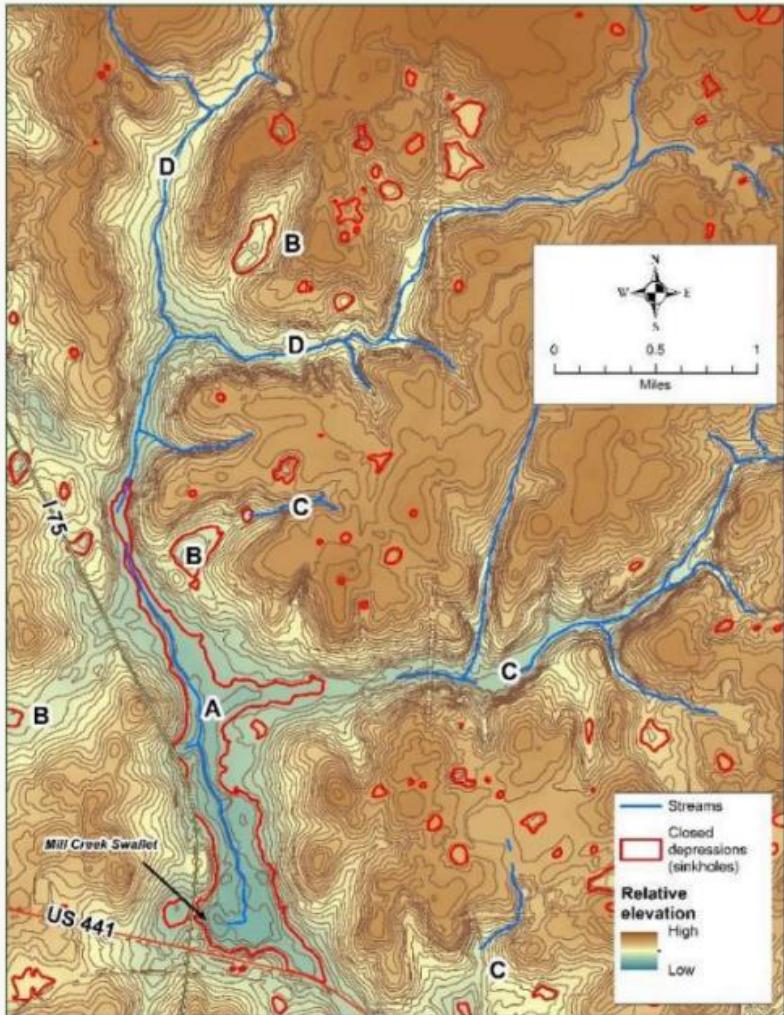


Report: Tara April within Sensitive Karst Area

“...the site is within the Sensitive Karst Area of Alachua County where the Floridan Aquifer is at or near the land surface...”

Source: *Tara April Rezoning Application Environmental Assessment and Listed Species Survey* for the City of Alachua, prepared by Wood Environment and Infrastructure Solutions, Inc.





Topographic map of the Mill Creek drainage basin and its many sinkholes. A is the closed depression (sinkhole) into which the creek drains. The other areas marked by B and outlined in red are also sinkholes. The stream segments shown by the letter C are parts of the Mill Creek drainage system that go underground before flowing to the main swallet. The stream segment marked by D is above the sinkholes that capture sediment.

Compatibility and Karst Terrain

The proposed stormwater facility is proposed near area with known Karst activity and formations.

Stormwater detention and treatment facility in this location can lead a accelerated formation of ground loss and sinkholes in the area due to the concentrating of acidic rainwater.

Application PSE22-0002 will have a negative effect on the adjacent uses both directly and indirectly and does not meet the definition of compatibility outlined in Fla. Stat. § 163.3164(9) *Compatibility* or in Section 2.4.4(D)(2) *Compatibility* of the City's Land Development Code.

Journal of Hydrology: Regional Studies 40 (2022)

Journal of Hydrology: Regional Studies 40 (2022) 101055

Contents lists available at ScienceDirect

Journal of Hydrology: Regional Studies

journal homepage: www.elsevier.com/locate/ejrh

ELSEVIER

Check for updates

Contaminant transport from stormwater management areas to a freshwater karst spring in Florida: Results of near-surface geophysical investigations and tracer experiments

Mohammad Shokri ^{a,*}, Yuan Gao ^b, Kelly M. Kibler ^b, Dingbao Wang ^b, Michael J. Wightman ^c, Nyle Rice ^d

^a University of Central Florida, Department of Civil, Environmental, and Construction Engineering, 4000 Central Florida Blvd., Orlando, FL 32816, USA

^b Xinjiang University, School of Geology and Mining Engineering, 1230 Yan'an Road, Urumqi, Xinjiang 830047, China

^c GeoView Inc., 4610 Central Avenue, St. Petersburg, FL 33711, USA

^d Georgia Association of Water Professionals, 1655 Enterprise Way, Marietta, GA 30067, USA

Source: Journal of Hydrology: Regional Studies 40.

“As one of the first studies to investigate transport of stormwater pollutants from concentrated stormwater management areas to and within karst aquifers, study outcomes may be useful to agencies aiming to protect spring and groundwater quality in Silver Springs and other karst regions.”

“Multiple tracer peaks observed in Silver Springs with pulse velocities on the order of 10^{-5} - 10^{-4} ms⁻¹ suggest that contaminants from stormwater basins may be transported to Silver Springs through multiple heterogeneous flowpaths from surficial and deep aquifers.”

The results of the assessment and analysis show that the concentrations of all hydrochemical components increase significantly from rainfall to concentrated confluence in the sinkholes.

Section 2.4.4(D)(4) Minimizes Environmental Impact

3.4 Potential Impacts of Commercial Development

The potential impacts on Mill Creek and Mill Creek Sink of commercial site uses include more general impacts related to development of the site as well as impacts specific to certain kinds of commercial uses. These potential impacts must be taken seriously because the site is within the Sensitive Karst Area of Alachua County where the Floridan Aquifer is at or near the land surface, allowing for rapid movement, with little treatment, of stormwater into the aquifer.

In general, commercial development of the site would increase the impervious cover at the site, via roads, parking lots, and other structures. Impervious cover can:

1. Increase nonpoint source water pollution by limiting the capacity of soils to filter runoff;
2. Affect peak flow and water volume, which heighten erosion potential and affect habitat and water quality;
3. Increase storm water runoff, which can deliver more pollutants to water bodies that residents may rely on for drinking and recreation; and
4. Affect ground water aquifer recharge.

Emphasis added; original text unaltered.

**Application PSE22-0002 does not meet Section 2.4.4(D)(4)
*Design minimizes environmental impact.***

wood.

Tara April Rezoning Application Environmental Assessment and Listed Species Survey

Alachua, Florida

Technical Review Report

Prepared for:

City of Alachua
15100 NW 142nd Terrace/ PO Box 9
Alachua, Florida 32616

Prepared by:

Wood Environment & Infrastructure Solutions, Inc.
404 SW 140th Terrace
Gainesville, FL 32601

Source: Tara April Rezoning Application Environmental Assessment and Listed Species Survey for the City of Alachua, prepared by Wood Environment and Infrastructure Solutions, Inc.

Where is Stormwater Pollution Prevention Plan?

A Stormwater Pollution Prevention Plan (SWPP) was not included in the application materials or Staff Report.

How can the Applicant claim that minimization of environmental impact has been achieved when there is no pollution prevention plan to adhere to when construction commences?

Application PSE22-0002 does not meet Section 2.4.4(D)(4)

Design minimizes environmental impact.

Section 2.4.4(D)(5) Roads and other public facilities

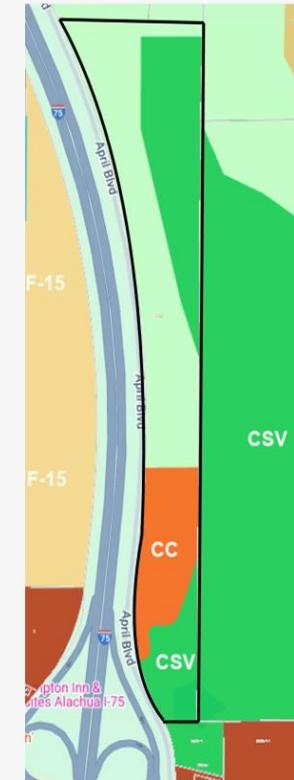
Section 2.4.4(D)(6) Not Injure Neighboring Land or Property Values

This proposed project is adjacent to Interstate 75 and April Boulevard.

A sinkhole will compromise the structural integrity of the interstate and cause injury to FDOT land and FDOT Right of Way (April Boulevard).

Application **PSE22-0002 does not meet Section 2.4.4(D)(5)**
Roads and other public facilities.

Application **PSE22-002 does not meet Section 2.4.4(D)(6)**
Not Injure Neighboring Land or Property Values.



CITY: Review “...cannot proceed until a Site Plan proposing a specific development is submitted”

Upon review of the application and with consideration to the requirements of the City's Land Development Regulations (LDRs), Staff finds that an evaluation of the application's compliance with the applicable provisions of the LDRs, including but not limited to Sections 2.4.4(A), 2.4.4(D), and 4.3.2(I)(4), cannot be made without also considering an associated development plan. Furthermore, Section 2.4.4(D)(7) requires a Site Plan or Preliminary Plat to be prepared and to demonstrate how the proposed special exception use complies with all other standards of Section 2.4.4(D).

Therefore, review of a Special Exception Permit application proposing stormwater management facilities in the Agricultural (A) zoning district and supporting development within the Community Commercial (CC) zoning district cannot proceed until a Site Plan proposing a specific development is submitted to the City for review.

*Excerpt: Letter from Planning Staff to Applicant
September 22, 2022*

Emphasis added; original text unaltered.

CITY DEFINITION:

Site plan means an engineering review, approved with conditions, or denied by the LDR Administrator in accordance with Section 2.4.9, Site plan.

CITY: "...cannot proceed until a Site Plan proposing a specific development is submitted to the City for review."

Therefore, as stated in the September 22, 2022 letter and discussed in our meeting held on January 26, 2023, the review of a Special Exception Permit application proposing stormwater management facilities in the Agricultural (A) zoning district and supporting development within the Community Commercial (CC) zoning district cannot proceed until a Site Plan proposing a specific development is submitted to the City for review.

*Excerpt: Letter from Planning Staff to Applicant
February 23, 2023*

Emphasis added; original text unaltered.

N <



**Application PSE22-002
does not meet 2.4.4(D)(7)
Drawings.**



A City of
ALACHUA

THE GOOD LIFE COMMUNITY



FOR PLANNING USE ONLY
Case #: _____
Application Fee: \$ _____
Filing Date: _____
Acceptance Date: _____
Review Type: P&Z; CC

Special Exception Permit Application

Reference City of Alachua Land Development Regulations Article 2.4.4

A. PROJECT

1. Project Name: Tara April Special Exception
2. Address of Subject Property: No Address (Undeveloped Property on April Boulevard)
3. Parcel ID Number(s): 03020-000-000
4. Existing Use of Property: Undeveloped (Timberland - site index 80-89)
5. Future Land Use Map Designation: Commercial, Recreation, Conservation
6. Zoning Designation: CC, A, CSV
7. Acreage: 58.32 +/-

Emphasis added; original text unaltered.

Section 4.3.2(I)(4) Utility, minor.

(4) **Utility, minor.** A minor utility use shall comply with the following standards:

(a) **Location.** Be located within reasonable proximity of the area to be served. Stormwater detention and retention facilities may be permitted by special exception permit on properties with less intense zoning district designations under common ownership, subject to the following requirements:

- (i) The zoning designation of the location of the stormwater detention and retention facility allows minor utilities; and,
- (ii) **The stormwater detention and retention facility meets the compatibility requirements as set forth in Subsection 4.3.2(I)(4)(b); and**
- (iii) The stormwater detention and retention facility provides an enhanced natural (e.g., increased topographic relief, vegetative diversity, etc.) or recreational (e.g., perimeter trail, boardwalk, interpretive kiosk, etc.) functional use.

(b) **Compatibility.** Provide adequate setbacks, screening and buffering around the perimeter of the proposed use if it is deemed necessary to ensure land use compatibility with surrounding uses.

(c) **Exemptions.** The provisions of this subsection shall not be applicable when the differing zoning designations are both classified as residential districts or are both classified as business districts, as categorized in Table 3.1-1, Establishment of Base Zone Districts.

Stormwater detention and retention facilities serving residential districts shall be permitted in business districts without special exception if included as part of a master stormwater permit or common development plan.

Section 4.3.2(I)(4)(a)(ii) and Section 4.3.2(I)(4)(b)

“The stormwater detention and retention facility meets the compatibility requirements as set forth in Subsection 4.3.2(I)(4)(b);”

Section 4.3.2(I)(4)(a)(ii), City Land Development Code

Section 4.3.2(I)(4)(b) *Compatibility.*

As previously demonstrated the project does not meet the Florida State Statutes definition of *compatibility*.

Therefore, Application PSE22-002 does not meet 4.3.2(I)(4)(a)(ii) under *Utility, Minor* as it does not meet Section 4.3.2(I)(4)(b) *Compatibility.*

Article 6 DEVELOPMENT STANDARDS

6.9.3 Stormwater management standards.

(A) *Purpose.* This subsection establishes design and performance standards for stormwater management systems. Its purpose is to ensure stormwater management systems are established that minimize flooding, minimize erosion and sedimentation, protect and enhance water resources, and where possible, preserve natural features.

This application does not demonstrate it will “minimize erosion and sedimentation, protect and enhance water resources, and where possible, preserve natural features.”

This area has known Karst activity and this facility could cause ground loss.

Application PSE22-0002 does not meet Standards of Article 6 Development Standards, Section 6.9.3(A) Stormwater management standards.

Section 6.9.3(A) Connection to Section 2.4.4(D)(8)

(8) Complies with all other relevant laws and ordinances. The proposed special exception use complies with all other relevant City laws and ordinances, State and Federal laws, and regulations. •

Emphasis added; original text unaltered.

Because Application PSE22-002 **does not meet** 6.9.3(A)

Stormwater management standards, it also **does not meet** Section 2.4.4(D)(8)

Complies with all applicable laws and ordinances.

FINAL ANALYSIS

Application PSE22-002 is not compliant with the Land Development Code.

The application does not meet Section 2.4.4(D)(2) Compatibility.

The application does not meet Section 2.4.4(D)(4) Design minimizes environmental impact.

The application does not meet Section 2.4.4(D)(5) Roads and other public facilities.

The application does not meet Section 2.4.4(D)(6) Not injure neighboring land or property values.

The application does not meet Section 2.4.4(D)(7) Drawings.

The application does not Meet Article 6 Section 6.9.3(a) Stormwater management standards, therefore the application does not meet Section 2.4.4(D)(8) Complies with all other relevant laws and ordinances.