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## CHILDERS LAW, LLC

Friday, November 15, 2024

David Theriaque, Esq.  
Theriaque & Spain  
433 North Magnolia Drive  
Tallahassee, FL 32308

*Via electronic mail to [dat@theriaquelaw.com](mailto:dat@theriaquelaw.com) and first class U.S. mail, postage prepaid*

### **RE: TARA APRIL (TIME-SENSITIVE) / TARA MASTER PROJECT**

Dear David,

I hope you are well. Pursuant to your email request of October 21, 2024, I am corresponding with you regarding the above-referenced matters in your capacity as staff counsel. This is a time-sensitive and urgent request.

Although your email stated that the City of Alachua had, at least informally, placed the Tara Projects on hold pending staff analysis of the irrelevant and unfounded issues raised by Alachua County,<sup>1</sup> I nevertheless write to request the hearing on final approval of the Special Exception Permit for the Tara April project be placed on the December 10, 2024 hearing calendar, which by our reckoning requires public notice to be issued **next week** (the week of November 18-22).

Obviously, unnecessary hearing delays have significant financial consequences.

The applicable facts and law supporting my request follow. Tara April's Special Exception Permit and Infrastructure Plan were accepted by the City and scheduled for final hearing on September 10, 2024 (Special Exception Permit) and tentatively for October 7, 2024 (Infrastructure Plan). Please see attached letter from Justin Tabor dated July 30, 2024. In other words, all conditions related to approval of the permit were complete prior to July 30, 2024.

As you know, § 166.033, Florida Statutes, requires that within "180 days for applications that require final action through a quasi-judicial hearing or a public hearing, the municipality must approve, approve with conditions, or deny the application for a development permit or

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<sup>1</sup> I would be grateful for an update on the City's progress and its current view of when activity may resume.

development order.” We believe that Tara April must be placed on the December 10, 2024 agenda for the City to comply with its statutory duty.

Thus, I respectfully request that you immediately confer with staff to ensure this critical scheduling obligation is fulfilled. If, for any reason, this cannot be accomplished, please promptly notify me.

Next, as I am sure you are aware, by virtue of its substantial investments in reliance on existing approvals and assurances from the City and other regulatory bodies like the WMD,<sup>2</sup> Tara holds enforceable vested rights. See, e.g., *Monroe County v. Ambrose*, 866 So.2d 707 (2003). The County’s tardy interference, only arising after the significant investments were made in reliance on prior approvals, is in bad faith. At the County’s emergency October hearing, various Commissioners expounded at length about “accidentally” overlooking the years-long project. The County’s *negligence* is not a good faith basis to raise untimely concerns years after the appropriate time.

Next, I would like to offer a few observations about the County’s position. I have also attached the County’s October 15, 2024 letter addressed to the Water Management District. I’m certain you will note, as I did, the tone and detail in the WMD letter varied significantly from the County’s letter of the same date addressed to the City.

The County’s WMD letter refers to the entire “I-75/US441 corridor between Alachua and High Springs,” rather than just the area around the interstate interchange, as it referenced in its letter to the City. We respectfully suggest that, if the City accedes to the County’s interference in this project, it will be emboldened to continue similar unlawful interference in future projects in the entire region.

Next, you will note that the County’s WMD letter also greatly broadens the description of its interests compared to the letter sent to the City. The WMD letter refers to the County’s concerns over karst geology generally and not just karst designated property (“karst sensitive areas”). Indeed, with sufficient depth, caves and voids can be found nearly everywhere in Florida.

Increasing the burden of environmental inspections and requiring “best practices” not provided for in applicable planning regulations will discourage development in the City. I am sure that you will also recognize the material fact that the City has not historically required these heightened, extra-regulatory development standards for other projects along the “I-75/US441 corridor between Alachua and High Springs,” or in other “karst sensitive areas.”

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<sup>2</sup> See, e.g., Suwanee River Water Management District Permit Numbers ERP-001-242142-2, issued on January 10, 2023, and ERP-001-241954-1, issued on December 20, 2022.



The City of Alachua has consistently exercised its jurisdiction over local development projects without external interference, a practice firmly supported by Florida's statutory framework and municipal autonomy in land use matters. By adhering to the City's established regulatory processes, Alachua ensures that projects like Tara April undergo thorough local evaluation, balancing growth with community needs and existing zoning standards. Yielding to the County's recent, overreaching demands could set a poor precedent, undermining the City's capacity to make independent determinations for its future. Alachua's authority over its development process not only aligns with statutory mandates but serves the best interests of its residents by preserving local control and responsiveness in decision-making.

My client has enjoyed, and hopes to continue enjoying, a positive and productive relationship with the City. Our projects will benefit the City, its citizens, its businesses, and its environment. We appreciate the City's uncompromising adherence to the rule of law and common sense in this and future similar matters.

In light of these considerations, we urge that the Tara April project be promptly scheduled for approval at the December 10, 2024, hearing to satisfy statutory deadlines and support the City's growth trajectory. Any barriers to fulfilling this scheduling request should be communicated without delay, as timely action is essential for the project's viability and for the City's compliance with state law. Thank you for your attention to this request and for upholding the City's commitment to a fair, expedient review process that prioritizes both local autonomy and the public interest.

Thank you,



Jeff Childers





# City of Alachua

MIKE DAROZA  
CITY MANAGER

PLANNING & COMMUNITY DEVELOPMENT  
DIRECTOR KATHY WINBURN

July 30, 2024

Sent by electronic mail to [cvega@edafl.com](mailto:cvega@edafl.com)

Claudia Vega, P.E.  
EDA Consultants, Inc.  
720 SW 2<sup>nd</sup> Avenue  
South Tower, Suite 300  
Gainesville, FL 32601

RE: Public Hearings for Ben E. Keith Site Plan Application Tara April Special Exception Permit and Infrastructure Plan Applications

Dear Ms. Vega:

The City of Alachua has reviewed the revised applications and materials for a Special Exception Permit and Infrastructure Plan submitted on behalf of Tara Forest, LLC. The applications propose the construction of stormwater management facilities and other associated site improvements to provide stormwater quality treatment on a ±58.32 acre subject property, located on Tax Parcel Number 03020-000-000. Based upon a review of the revised applications, the City has determined that the applications can now be scheduled for public hearings.

The Special Exception Permit will require a public hearing before the Planning and Zoning Board (PZB) and is scheduled for the September 10, 2024 PZB Meeting. The Infrastructure Plan will require a public hearing before the City Commission and is tentatively scheduled for the October 7, 2024 City Commission Meeting (pending PZB action on the Special Exception Permit).

Prior to the PZB Meeting, you must provide two (2) *double-sided, three-hole punched, color sets* of the **complete** Special Exception Permit application package, seven (7) sets of plans, and a digital copy of all materials in PDF format on a CD or by emailing a Cloud / FTP link to download the materials to [planning@cityofalachua.com](mailto:planning@cityofalachua.com). These materials must be submitted *no less than 10 business days prior to the meeting date* (no later than **Tuesday, August 28, 2024**). Materials may be submitted earlier than this date.

In addition, Section 2.2.9(D) of the Land Development Regulations requires the applicant to place posted notice signs on the subject property at least 14 days prior to the public hearing. Therefore, posted notice signs must be placed on the property no later than **Tuesday, August 28, 2024**. Staff will contact notify you when the signs are available for pick up at City Hall.

If you plan to utilize a PowerPoint presentation or would like other materials to be available for reference during the public hearing, please submit the presentation or materials no later than 12:00 PM on the last business day prior the PZB meeting (no later than **Monday, September 9,**

2024). Any presentation or materials may be submitted by emailing them to [planning@cityofalachua.com](mailto:planning@cityofalachua.com).

Should you have any questions, please feel free to contact me at (386) 418-6100, x 1602 or via email at [jtabor@cityofalachua.com](mailto:jtabor@cityofalachua.com).

Sincerely,



Justin Tabor, AICP  
Principal Planner

c: Mike DaRoza, City Manager (*by electronic mail*)  
Rodolfo Valladares, PE, Assistant City Manager (*by electronic mail*)  
Kathy Winburn, Planning & Community Development Director (*by electronic mail*)  
Adam Hall, AICP, Principal Planner (*by electronic mail*)  
Carson Crockett, AICP Candidate, Planner (*by electronic mail*)  
Project File



# Alachua County Board of County Commissioners

Mary C. Alford, Chair  
Charles S. Chestnut, IV, Vice Chair  
Ken Cornell  
Anna Prizzia  
Marihelen Wheeler

Administration  
Michele L. Lieberman  
*County Manager*

October 15, 2024

[hugh.Thomas@srwmd.org](mailto:hugh.Thomas@srwmd.org)

Hugh Thomas, Executive Director  
Suwannee River Water Management District  
9225 CR 49  
Live Oak, FL 32060

RE: Tara Forest West and Tara Phoenicia - Projects located near Mill Creek Sink, City of Alachua

Dear Mr. Thomas,

On behalf of the Alachua County Board of County Commissioners (BoCC), I respectfully urge you to have your staff further review and incorporate additional conditions into the proposed stormwater permit/ERP for Tara Forest West and Tara Phoenicia in order to adequately safeguard the Floridan aquifer, the Mill Creek Sink and Cave systems, and the downgradient springs on the Santa Fe River.

The I-75/US441 corridor between Alachua and High Springs is experiencing significant growth and development and it is critical that such development occur in a sustainable manner, using best engineering, landscaping, and management practices, to protect this area's vulnerable Floridan aquifer, caves, and springs systems. With the proper safeguards, the proposed development projects can serve as a model for development in karst sensitive areas and would better protect our valuable water resources.

Our environmental and planning staff are available and willing to sit down with District and City of Alachua staff to work on additional recommended conditions, safeguards, stormwater and site design strategies, including LID techniques to reduce the potential for harm to the Mill Creek system, the Floridan aquifer, and our drinking water.

Thank you for giving Alachua County the opportunity to provide input to address water resource concerns associated with these projects. We look forward to working with SRWMD and City of Alachua staff to ensure that these types of developments occur in a manner that protects these unique water resources.

If you have any questions, please do not hesitate to contact, Stephen Hofstetter, our Environmental Protection Department Director at [shofstetter@alachuacounty.us](mailto:shofstetter@alachuacounty.us) or at (352) 264-6811.

Sincerely,



Mary C. Alford, Chair  
Alachua County Commission  
Chr25.002

xc: Alachua County Board of County Commissioners  
Michele Lieberman, County Manager  
Sylvia Torres, County Attorney  
Gib Coerper, City of Alachua Mayor  
Mike DaRoza, City Manager  
Katherine Weitz, City of High Springs Mayor  
Jeremy Marshall, City of High Springs City Manager