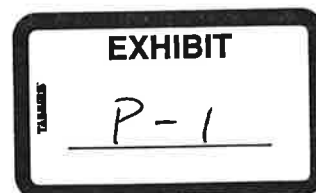


990709

**Legislative Matter No. 990709. (Quasi-Judicial) Petition 148ZON-99 PB.
Eng, Denman & Associates, Inc., agent for Mike S. Hartman, family
representative. (FORMAL QUASI-JUDICIAL HEARING) (B)**



Explanation: *The 98.46-acre subject property is generally bounded by Northwest 13th Street (US 441) on the east, Northwest 53rd Avenue on the north, Northwest 19th Street (platted, not constructed) on the west, and Northwest 45th Avenue on the south. The northeast quadrant of the property has frontage along Northwest 13th Street; the southeast quadrant does not. An abandoned golf driving range and a mobile home sales center occupy a portion of the property, fronting Northwest 13th Street. Other than most of the Northwest 13th Street frontage, the majority of the subject property is undeveloped, with the exception of several single-family homes. The property is mostly forested, but includes three large cleared areas.*

The Hartman property was annexed by the City in September 1992. The preexisting Alachua County PUD (Planned Unit Development) zoning was mirrored in the PD (Planned Development) zoning subsequently designated by the City and in effect until its expiration in January 1995. The land use categories (Commercial, Residential Medium and Residential Low Density, and Single Family) adopted by the City for the subject property remain in effect. The applicant is now proposing zoning categories other than PD for the Hartman property. The applicant has stated in the application that these "zonings will provide for [the] ability to create additional single-family, multi-family and commercial use on US 441." The proposed zoning is for BUS (general business district), RMF-7 (8-21 units/acre multiple-family residential district), RMF-5 (12 units/acre residential low-density district), and RSF-4 (8 units/acre single-family residential district).

The November 24, 1999 report by the Alachua County Environmental Protection Department describes the subject property as having considerable components of wetlands, uplands, special flood hazard areas (areas inundated by 100-year flooding per the Federal Emergency Management Agency's Flood Insurance Rate Maps), surface water areas, and two archaeological sites. The depicted flood hazard areas generally correspond to the main channel of Hogtown Creek, which is subject to the Creek Setback Ordinance (Sec. 30-302) and additional stormwater management standards. Due to the preponderance of poorly drained and somewhat poorly drained soils on the property, particular attention will have to be paid to stormwater management. Staff recommends that a master stormwater management plan be prepared and approved by the City's Public Works Department for the entire property prior to the issuance of any final development orders.

The County report describes and depicts substantial areas of potential regulatory wetlands at several locations on the property. Of these locations, the wetlands in the southwest corner of the property and their associated uplands make the southwestern portion of the property "by far the most ecologically intact, sensitive, and valuable area to be found on the entire tract." The report continues by stating that "the City (should) make a concerted effort to preserve this area in its entirety, perhaps by "conservation" zoning district."

The southwestern portion of the property also contains two documented prehistoric sites, 8AL3426 and 8AL3427. The County report states that there is a moderate to high potential for as "yet undocumented, potentially significant resources located in unsurveyed portions of the tract, particularly on the southern 30 percent." It is recommended that any future development of the

southern 30 percent of the subject property be preceded by a thorough, professional subsurface survey.

After hearing from staff, the petitioner and from various neighbors, and considering all pertinent factors required by Sec. 30-347.3 for rezoning, the Plan Board recommended that the property be zoned Conservation, Planned Development, and Commercial. The Board's recommendation was preceded by considerable discussion of environmental characteristics (including drainage), neighborhood concerns, and the potential for PD zoning to result in a well-conceived mixed-use development that is sensitive to its unique site and surrounding neighborhoods.

Public notice was published in the Gainesville Sun on November 30, 1999. Letters were mailed to surrounding property owners on December 1, 1999. The Plan Board held a public hearing on December 16, 1999.

Fiscal Note: None

RECOMMENDATION *City Plan Board to City Commission - The City Commission approve Petition 148ZON-99 PB with Plan Board recommendation that: 1) the commercial portion of the property be straight zoning, 2) Block 29 of the site be zoned Conservation; and 3) the remainder of the site be zoned Planned Development. Plan Board vote 5-1*

Staff to Plan Board - That the subject property be developed under the Planned Development (PD) zoning designation. Alternatively, staff recommends approval of Petition 148ZON-99 PB, with the exception that Block 29 be rezoned to Conservation rather than to RSF-4.

Legislative History

1/10/00	City Commission	Continued (Petition) (5 - 0)
2/28/00	City Commission	Continued (Petition) (4 - 0 - 1 Absent)

ADJOURNMENT

City of Gainesville

Inter-Office Communication

Department of Community Development
Phone 334-5022, FAX 334-2282, Station 11

Item No. 1

To: City Plan Board

Date: December 16, 1999

From: Planning Division Staff

Subject: Petition 148ZON-99 PB. Eng, Denman & Associates, Inc., agent for Mike S. Hartman, family representative. Rezone approximately 99 acres of property from PD (Planned development) to BUS (General business district), RSF-4 (8 units/acre single-family residential district), RMF-6 (8-15 units/acre multiple-family residential district), and RMF-7 (8-21 units/acre multiple family residential district) for single-family and multiple-family units and for commercial use. Located between Northwest 45th and 53rd Avenues and between Northwest 13th and 19th Streets.

Recommendation

Planning Division staff recommends that the subject property be developed under the Planned Development (PD) zoning designation. Alternatively, staff recommends approval of Petition 148ZON-99 PB, with the exception that Block 29 be re-zoned to Conservation rather than to RSF-4.

Explanation

The 98.46-acre subject property is generally bounded by NW 13th Street (US 441) on the east, NW 53rd Avenue on the north, NW 19th Street (platted, not constructed) on the west, and NW 45th Avenue to the south. Unlike the northeast quadrant of the property, the southeast quadrant does not have frontage along NW 13th Street. Other than most of the NW 13th Street frontage, the majority of the subject property is undeveloped, with the exception of several single-family homes. The property is mostly forested but includes three large cleared areas. An abandoned golf driving range and a mobile home sales center front NW 13th Street.

The Hartman property was annexed by the city in September 1992. The pre-existing Alachua County PUD (Planned Unit Development) zoning was mirrored in the PD (Planned Development) zoning subsequently designated by the city and in effect until its expiration in January 1995. The applicant is now proposing zoning categories other than PD for the Hartman property. The applicant has stated in the application that these "zonings will provide for (the) ability to create additional single-family, multi-family and commercial use on US 441." The proposed zoning is for BUS (general business district), RMF-7 (8-21 units/acre multiple-family residential district), RMF-5 (12 units/acre residential low-density district), and RSF-4 (8 units/acre single-family residential district). The applicant recently changed the initial proposal for RMF-6 (8-15 units/acre multiple-family residential district) zoning to RMF-5, which, unlike RMF-6, is a zoning category that is allowed in the Residential Low Density (up to 12 units per acre) land use category. A sketch of survey dated September 24, 1999 depicting the subject property and the proposed zoning designations is attached.

The Hartman property has the following land use designations: Single Family (up to 8 ⁸ units/acre), Residential Low Density (up to 12 units/acre), Residential Medium Density (~~10-30~~ units per acre), and Commercial. It is adjacent to Commercial (across NW 53rd Avenue) to the north, to Industrial (across US 441) land use categories to the north and east, Single Family to the south (across NW 45th Avenue), to Commercial, Conservation and Residential Medium Density to the east along or proximate to US 441/NW 13th Street, and Residential Low Density and Single Family to the west of unimproved NW 19th Street. The subject property adjoins BA (Automotive-oriented business) to the north (across US 441) and I-2 (General industrial) zoning districts to the north and east, RSF-1 (Single-family residential, 3.5 units per acre) across NW 45th Avenue to the south, BA, RMF-7 (Multiple-family medium density residential, 8-21 units per acre) and CON (Conservation) to the east (along or near to US 441/NW 13th Street), and RMF-5 (12 units per acre), RSF-2 (4.6 units per acre) and RSF-1 to the west of unimproved NW 19th Street. (Please see attached maps entitled Zoning, and Land Use.)

Across NW 53rd Avenue to the north of the Hartman property are found a gas station, an automotive lubrication business, a carpet store, a lumber/home improvements store, and the old Sears warehouse (to the northeast across US 441/NW 13th Street). To the west of platted NW 19th Street right of way (a dirt road) and south of NW 45th Avenue are several single family houses, and to the east of the property are an abandoned livestock auction (across US 441/NW 13th Street), a motorcycle dealership, a used car dealer, aluminum sales, mobile home sales, and a mobile home park. (all fronting or proximate to NW 13th Street).

The attached, November 24, 1999 report by the Alachua County Environmental Protection Department describes a subject property with considerable components of wetlands, uplands, special flood hazard areas (areas inundated by 100-year flooding per the Federal Emergency Management Agency's Flood Insurance Rate Maps), surface water areas, and two archaeological sites. The depicted flood hazard areas generally correspond to the main channel of Hogtown Creek, which is a regulated creek delineated on the map entitled "Surface Waters and Wetlands District" on file with the city. Hogtown Creek is subject to the creek setback ordinance (Sec. 30-302) and is subject to additional stormwater management standards, including the requirement that stormwater systems must be designed to retain any increase in volume of runoff over the predevelopment volume for a 72-hour period. Incised drainages associated with Hogtown Creek are found in the southwest and southeast corners of the subject property. An additional drainage bisects the property in a northeast to southeast direction.

The attached County report describes and depicts substantial areas of potential regulatory wetlands at several locations on the property. Of these locations, the wetlands in the southwest corner of the property and their associated uplands make the southwestern portion of the property "by far the most ecologically intact, sensitive, and valuable area to be found on the entire tract. The report continued by stating that "the city (should) make a concerted effort to preserve this area in its entirety, perhaps by "conservation" zoning district."

The southwestern portion of the property also contains two documented prehistoric sites, 8AL3426 and 8AL3427 (see Figure 6 of County report). This is the only part of the subject property that has been the subject of a professional subsurface survey. The County report states that there is a moderate to high potential for as "yet undocumented, potentially significant resources located in unsurveyed portions of the tract, particularly on the southern 30 percent". It is recommended that any future development of the southern 30 percent of the subject property be preceded by a thorough, professional subsurface survey.

The County report states that "the northern 80 percent (approximately) of the tract falls within the Pomona-Wauchula-Newnan association of relatively level, poorly drained to somewhat poorly drained soils. Specific soil map units represented are Pelham sand (poorly drained),

Riviera sand (poorly drained), Surrency sand (very poorly drained), Wauchula sand (poorly drained), and Wauchula-Urban land complex (poorly drained). The southern 20 percent (approximately) of the tract appears to lie within the Millhopper-Bonneau-Arredondo association of nearly level to sloping, moderately well drained to well-drained soils. Specific soil map units represented are Millhopper sand (moderately well drained), Riviera sand (poorly drained), and Surrency sand (very poorly drained)." The above-described drainage characteristics indicate that particular attention will have to be paid to stormwater management at the time of any future development of this property. It is highly advisable that a master stormwater management plan be prepared and approved by the City's Public Works Department for the entire property prior to the issuance of any final development orders.

Character of the District and Suitability

With the exception of particularly environmentally sensitive areas (see following paragraph), residential use of the subject property is generally appropriate at this relatively central location in the city that is proximate to existing residential and non-residential development. Residential zoning is consistent with the comprehensive plan at this location and is supportive of the city's on-going efforts to provide additional housing opportunities within the city and take advantage of the economies of using existing infrastructure and services. The proposed commercial zoning is generally appropriate at this location along US 441, which is a major transportation corridor in the city. The proposed commercial zoning is also consistent with a 1987 court order that required Alachua County to either place a commercial zoning category and land use designation on this portion of the subject property, or designate it as an activity center with at least a 50 percent commercial component. The remainder of the Hartman property was not subject to the court-stipulated agreement.

Because of the exceptional environmental qualities and sensitivity of the southwestern portion of the subject property, as described in the preceding section, staff recommends at a minimum that Block 29 (see attached sketch of survey) be rezoned to Conservation, rather than to RSF-4. This would give this 9.26-acre area all the protections of the Conservation zoning district and would assure that the natural resources in this portion of the 98.46-acre property would be largely conserved. It would also improve the chances of preserving archaeological site 8AL3426, which is located within the 9.26-acre area.

A preferred alternative to the recommended Conservation rezoning that could not only address environmental and archaeological resources protection on Block 29 would be rezoning the entire 98.46-acre property to Planned Development (PD). PD zoning for the Hartman property could offer better protection for environmental and historical resources throughout the entire property while enabling development of a well-conceived mixed-use (residential and non-residential) development. PD zoning would be ideal for a property of this size, particularly considering its environmental sensitivity and characteristics (including drainage), archaeological resources, and proposed mix of uses. PD zoning would provide the opportunity to develop this property as an integrated mixed-use development that provides for internal trip capture, is conducive to transportation choice (car, pedestrian, bicycle, and transit), offers considerable protection of environmental and historical resources, incorporates a master stormwater plan, and is an integral part of its neighborhood.

Conservation of the Value of Buildings and Encouraging Appropriate Uses

The subject parcel is mostly vacant in the proposed residential areas and partially vacant in the proposed commercial area. Staff is not aware of any buildings that have either architectural or historical significance. As described above, a mix of residential, commercial, and conservation uses can be appropriate for the subject property.

Applicable Portions of Current City Plans

The city has long-standing plans to reconstruct NW 45th Avenue, a designated collector, between NW 13th Street and NW 24th Boulevard. Reconstruction is needed in order to correct structural inadequacy of the pavement and provide safe pedestrian travel along this corridor. With the construction of Norton Elementary School, bus traffic (heavier loading) radically increased. Also, elementary students began traveling along this street which has no sidewalk east of NW 20th Street. The proposed changes will provide an adequate pavement structure for the buses and a sidewalk system for students and all other pedestrians along this segment of NW 45th Avenue. This street reconstruction project has been delayed to date because the city has not been able to acquire some adjacent land that is essential for stormwater management requirements of the to-be reconstructed street.

Needs of the City for Land Areas to Serve Purposes, Populations, Economic Activities

The City needs more residential development in relatively close in, central locations such as this. Such development is supportive of the city's on-going efforts to provide additional housing opportunities within the city and take advantage of the economies of using existing infrastructure and services. Provision of residential development opportunities at appropriate locations such as the Hartman property will help meet the housing needs of our growing population and contribute to the economic health of the city and its residents by providing housing opportunities for city residents. Increased residential population is supportive of the city's goal of halting by the year 2005 its declining share of the Alachua County population.

The proposed commercial rezoning has the potential to re-vitalize this portion of NW 13th Street and provide increased economic activities that can be of benefit both to residents and businesses in the vicinity. The proposed commercial zoning is also consistent with the previously described 1987 court order.

The staff-recommended rezoning of Block 29 to Conservation will help conserve an environmentally sensitive area and thus protect and preserve natural features and open space, in compliance with the comprehensive plan. This recommended rezoning will help protect wetlands and uplands and associated faunal species in the vicinity. It will help protect the upper reaches of Hogtown Creek that flow through Block 29 as it begins its journey through the city that ends with Hogtown Prairie and Haile Sink. It is of note that Haile Sink is a conduit to the Floridan aquifer, the primary source of drinking water for the people of the state of Florida. Conservation rezoning should also help protect the archeological site identified within Block 29 in the attached November 24, 1999 report from Alachua County Environmental Protection Department. Notwithstanding the benefits of rezoning Block 29 to Conservation, rezoning the entire property to PD could potentially offer even greater environmental protection in addition to other benefits, as previously discussed.

Substantial Changes in Character or Development in the Area

There have been no substantial changes in character or development in the vicinity of this property in recent years.

Impact on Adopted LOS standards

The proposed rezoning is not required to meet concurrency requirements and does not vest for concurrency, which will be determined at the time of any future subdividing or site plan approval.

NW 13th Street and NW 53rd Avenue are currently operating at acceptable levels of service. The subject property is not presently served by the city's transit system (see next section for more on transit). The applicant will be required to meet all applicable requirements for stormwater management prior to the issuance of any development permits. Water and sewer services can be made available to serve the site. There is sufficient landfill capacity to serve the proposed development, which must arrange for private waste services for non-residential components, and for City of Gainesville solid waste services for residential components.

Applicable Goals, Objectives and Policies of the Comprehensive Plan

Future Land Use Element Objective 2.4 states that:

Redevelopment shall be encouraged to promote urban infill, improve the condition of blighted areas, to reduce urban sprawl and foster compact development patterns.

The proposed rezoning is consistent with the city's goals for encouraging redevelopment and reducing urban sprawl.

Goal 2 of the Conservation, Open Space and Groundwater Recharge Element is to:

Mitigate the effects of growth and development on environmental resources.

Either staff-recommended rezoning (PD for the entire property or of Parcel 29 to Conservation) is consistent with the city's goal of mitigating the effects of development on environmental resources.

Objective 1.2 of the Transportation Mobility Element states that:

The City shall coordinate the transportation network with the Future Land Uses shown on the Future Land Use Map Series in order to encourage compact, energy efficient development patterns and to provide safe and convenient multi-modal access for work, school, shopping and service-related trips, to protect the cultural and environmental amenities of the City, and to protect the integrity of the Florida Intrastate Highway System.

The proposed rezoning is generally consistent with Objective 1.2. Because of the Hartman property's location along two major corridors and its mix of residential and non-residential uses, the proposed rezoning is potentially conducive to mass transit use and pedestrian mobility. If the property were to be rezoned to Planned Development (PD), the ensuing development could be particularly conducive to mass transit use and pedestrian mobility. Although not presently served by the city's Regional Transit System, one transit route, Route 6, provides service as close as the intersection of NW 45th Avenue and NW 13th Street. Increased future development along the US 441 corridor, including the possible development of the proposed Greenways of

Gainesville DRI, is likely to lead to increased transit service in this corridor. A Park and Ride facility may be needed in the future in the general vicinity of the subject property.

Other applicable Goals, Objectives and Policies are as follows:

Future Land Use Element

Objectives

- 1.1 The City shall protect environmentally sensitive land, conserve natural resources and maintain open spaces identified on Map 2 (Environmentally Significant Lands and Resources) of the Future Land Use Map Series, through the Development Review Process and land acquisition programs.

Policies

- 1.1.8 The City shall protect floodplain areas through existing Land Development Regulations which:
- a. Prohibit development within the flood channel or floodplain without a city permit;
 - b. Prohibit filling in the flood channel by junk, trash, garbage, or offal;
 - c. Prohibit permanent structures in the flood channel, except for those necessary for flood control, streets, bridges, sanitary sewer lift stations, and utility lines;
 - d. Prohibit the storage of buoyant, flammable, explosive, toxic or otherwise potentially harmful material in the flood channel;
 - e. Prohibit development within the floodplain which would reduce the capacity of the floodplain;
 - f. Prohibit development which would cause or create harmful soil erosion, stagnant water, or irreversible harmful impact on existing flora and fauna;
 - g. Limit flood channel uses to agriculture, recreation, lawns, gardens, and parking areas; and
 - h. Limit floodplain uses to launching areas for boats and structures at least one foot above the 100-year flood elevation in addition to those allowed in the flood channel.
- 1.1.9 The Master Flood Control Maps (1990) prepared by CH2M-Hill and adopted by the City Commission on file in the City's Public Works Department shall be used to designate floodplains and flood channels.

Goals

- 2 The Land Use Element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses activity centers to provide goods and services to City residents; protects viable, stable neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The Land Use Element shall promote statewide goals for compact development and efficient use of infrastructure.

Objectives

- 2.1 The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, professional uses and industrial uses at appropriate locations to meet the needs of the projected population and which allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.

Policies

- 2.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Single Family (up to 8 units per acre)

This land use category shall allow single family detached dwellings at densities up to eight dwelling units per acre. The single family land use classification identifies those areas within the City that due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single family development. Land Development Regulations shall determine the performance measures and gradations of density. Land Development Regulations shall specify criteria for the siting of low intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations in conjunction with single-family dwellings under certain limitations.

Residential Low Density (up to 12 units per acre)

This land use category shall allow dwellings at densities up to 12 units per acre. The Residential Low Density land use classification identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single family development, particularly the conservation of existing traditional low-density neighborhoods, single-family attached and zero-lot line development, and small scale multi-family development. Land Development Regulations shall determine gradations of density, specific uses and

performance measures. Land Development Regulations shall specify criteria for the siting of low intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

Residential Medium Density (10-30 units per acre)

This land use classification shall allow single-family and multi-family development at densities from 10 to 30 dwelling units per acre. The land shown as Residential Medium Density on the land use plan identifies those areas within the City of Gainesville that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family and medium intensity multi-family development. Land Development Regulations shall determine gradations of density and specific uses. Land Development Regulations shall specify criteria for the siting of appropriate medium intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, private schools and libraries. Land Development Regulations shall allow Home Occupations within certain limitations.

Commercial

The commercial land use category identifies those areas most appropriate for large scale highway-oriented commercial uses. Land Development Regulations shall determine the appropriate scale of uses. Floor area ratios in this district shall not exceed 2.00.

Conservation

This category identifies areas environmentally unsuited to urban development, permanent buffers between land uses, areas used for passive recreation and nature parks. Privately held properties within this category shall be allowed to develop at single family densities of one unit per five acres. Land Development Regulations shall determine the appropriate scale of activities, structures and infrastructure that will be allowed.

Applicant Information

Eng, Denman & Associates, Inc., agent for Mike S. Hartman, family representative.

Request

Rezone approximately 99 acres of property from PD (Planned development) to BUS (General business district), RSF-4 (8 units/acre single-family residential district), RMF-5 (12 units/acre residential low density district) ~~RMF-6 (8-15 units/acre multiple-family residential district)~~, and RMF-7 (8-21 units/acre multiple family residential district) for single-family and multiple-family units and for commercial use. Located between

Northwest 45th and 53rd Avenues and between
 Northwest 13th and 19th Streets.

Existing Land Use Plan Classification

Single Family (up to 8 units per acre), Residential Low
 Density (up to 12 units per acre), Residential Medium
 Density (10-30 units per acre), Commercial

Existing Zoning

PD (Planned Development, expired)

Purpose of Request

Allow for additional single-family, multi-family and
 commercial development in the US 441 corridor.

Location

between Northwest 45th and 53rd Avenues and between
 Northwest 13th and 19th Streets.

Size

99 acres (approximately)

Existing Use

Vacant, Residential, and Commercial

Surrounding Land Uses

North

Commercial (gas station, automotive services, carpet
 store, lumber/home improvements store), Sears warehouse

South

Single-family dwellings

East

Livestock auction yard (abandoned), commercial
 (motorcycle dealership, used cars, aluminum sales, mobile
 homes), mobile home park

West

Single-family dwellings

Surrounding Controls

Existing Zoning

Land Use Plan

North

BA (Automotive-oriented
 business), I-2 (General
 industrial) districts

Commercial, Industrial

South

RSF-1 (3.5 du/a)

Single Family

East

I-2, BA, RMF-7 (8-21 units per
 acre), CON (Conservation)

Industrial, Commercial,
 Residential
 Medium Density, Conservation

West

RMF-5 (12 units per acre), RSF-
 2 (4.6 du/a),

Single Family

Impact on Affordable Housing

This re-zoning petition will have no impact on the provision of affordable housing. The impact on affordable housing can be determined at the time of site plan approval.

Summary

The environmental, archaeological and other characteristics of the subject property are such that staff at a minimum recommends that Block 29 be rezoned to Conservation. An alternative that could not only result in considerable protection of these resources throughout the entire 98.46-acre property, but could offer the many important benefits of a well-integrated, mixed use development, would be to rezone the entire property to Planned Development (PD). Conservation zoning would not be needed in a properly construed PD. Furthermore, the resultant development would have considerable potential to meet the needs of the developer, the residents, business owners and customers of the development, and the neighborhood.

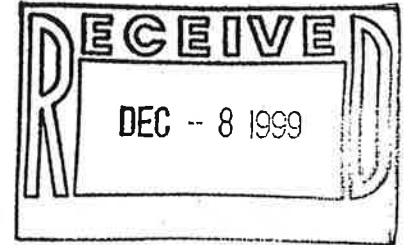
Respectfully Submitted,



Ralph Hilliard
Planning Manager

RH: DM

Attachments



December 7, 1999

Mr. Dean Mimms
City of Gainesville
Department of Community Development
P.O. Box 490, Station 12
Gainesville, Fl 32602

VIA FAX: 334-3259

Re: Rezoning Petition 148ZON-99PB Hartman Property

Dear Mr. Mimms:

We are submitting this letter to acknowledge my telephone conversation with you on this date, December 7, 1999, in regard to our zoning request for Parcel 5 on the Hartman property. We acknowledge that the application has a typing error. The requested zoning is RMF5 for Parcel 5, which would be consistent with the Low Density Residential Land Use designation.

Please accept my apologies for this error.

Sincerely,

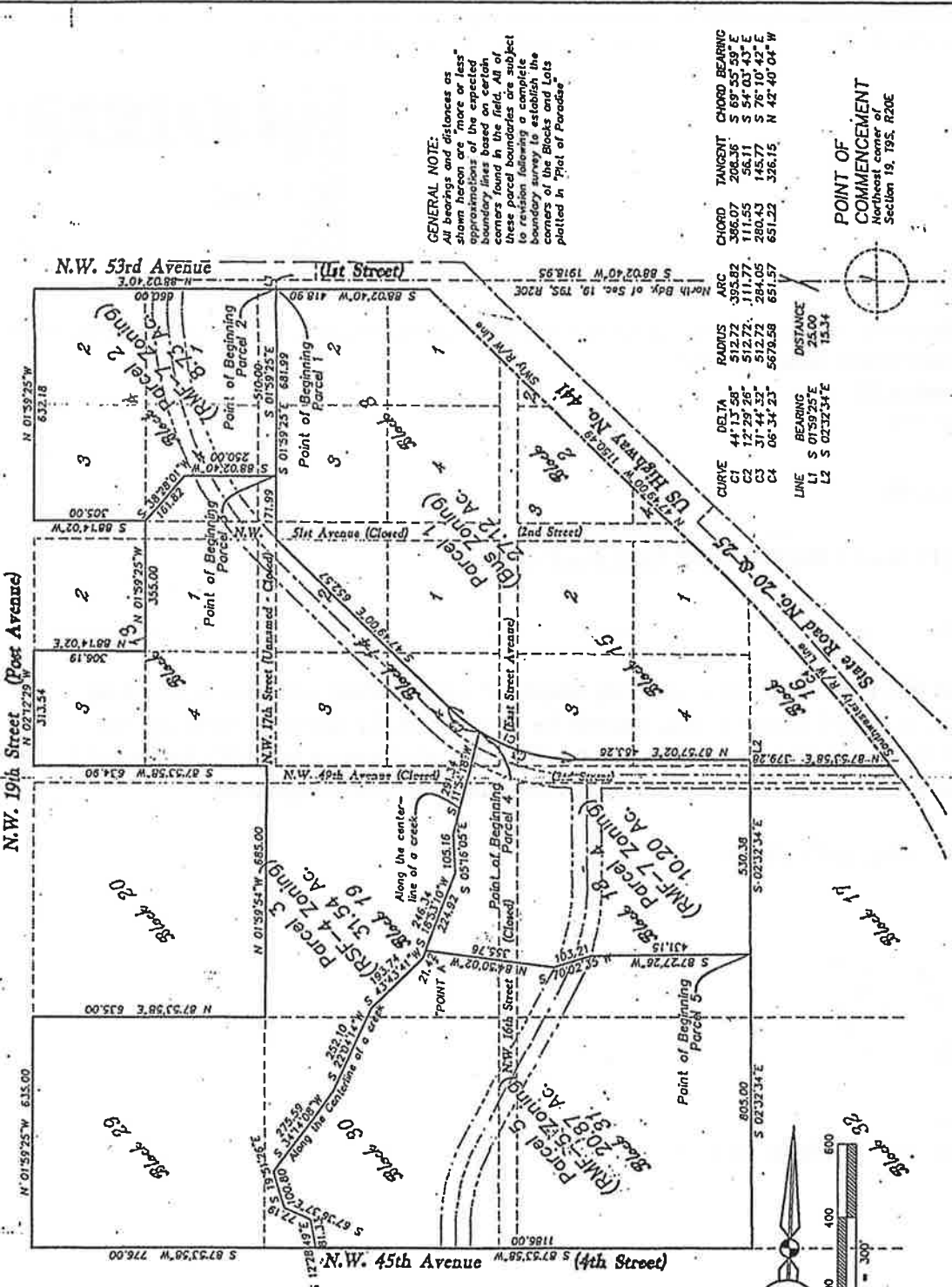
A handwritten signature in cursive script that reads "Ralph E. Eng".

Ralph E. Eng, P.E.

xc: Mike Hartman
Richard Tarbox, Coldwell Banker

REE/tm

C:\WPWIN60\WPDOCS\HARTMAN\RMF5.WPD



GENERAL NOTE:
 All bearings and distances as shown herein are "more or less" approximations of the expected boundary lines based on certain corners found in the field. All of these parcel boundaries are subject to re-plot following a complete survey of the Blocks and Lots plotted in "Plat of Paradise".

CURVE	DELTA	RADIUS	ARC	TANGENT	CHORD	CHORD BEARING
C1	44°13'58"	512.72	395.82	208.36	396.07	S 89°55'59" E
C2	12°29'26"	512.72	111.77	56.11	111.55	S 54°03'43" E
C3	31°44'53"	512.72	284.05	145.77	284.05	S 78°10'42" E
C4	06°34'23"	5878.56	691.57	326.15	691.25	N 42°40'04" W



POINT OF COMMENCEMENT
 Northeast corner of Section 19, T9S, R20E

ENG. DANMAN & ASSOC. INC.
 ENGINEERS, SURVEYORS, PLANNERS
 504 S. W. 1st Street
 Ft. Lauderdale, FL 33301
 TEL: (561) 571-5511 FAX: (561) 571-7418

LEGAL DESCRIPTION SKETCH OF
 A PORTION OF 'PLAT OF PARADISE' AS PER PLAT RECORDED IN PLAT BOOK - A, PAGE 4 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SITUATED IN SECTION 19, TOWNSHIP 9 SOUTH, RANGE 20 EAST.
 Hartman Family

THIS IS NOT A BOUNDARY SURVEY
 COPYRIGHT © 1999

PREPARED FOR: [Blank]
 DATE: SEP. 24, 1999
 DRAWN BY: [Blank]
 CHECKED BY: [Blank]
 APPROVED BY: [Blank]

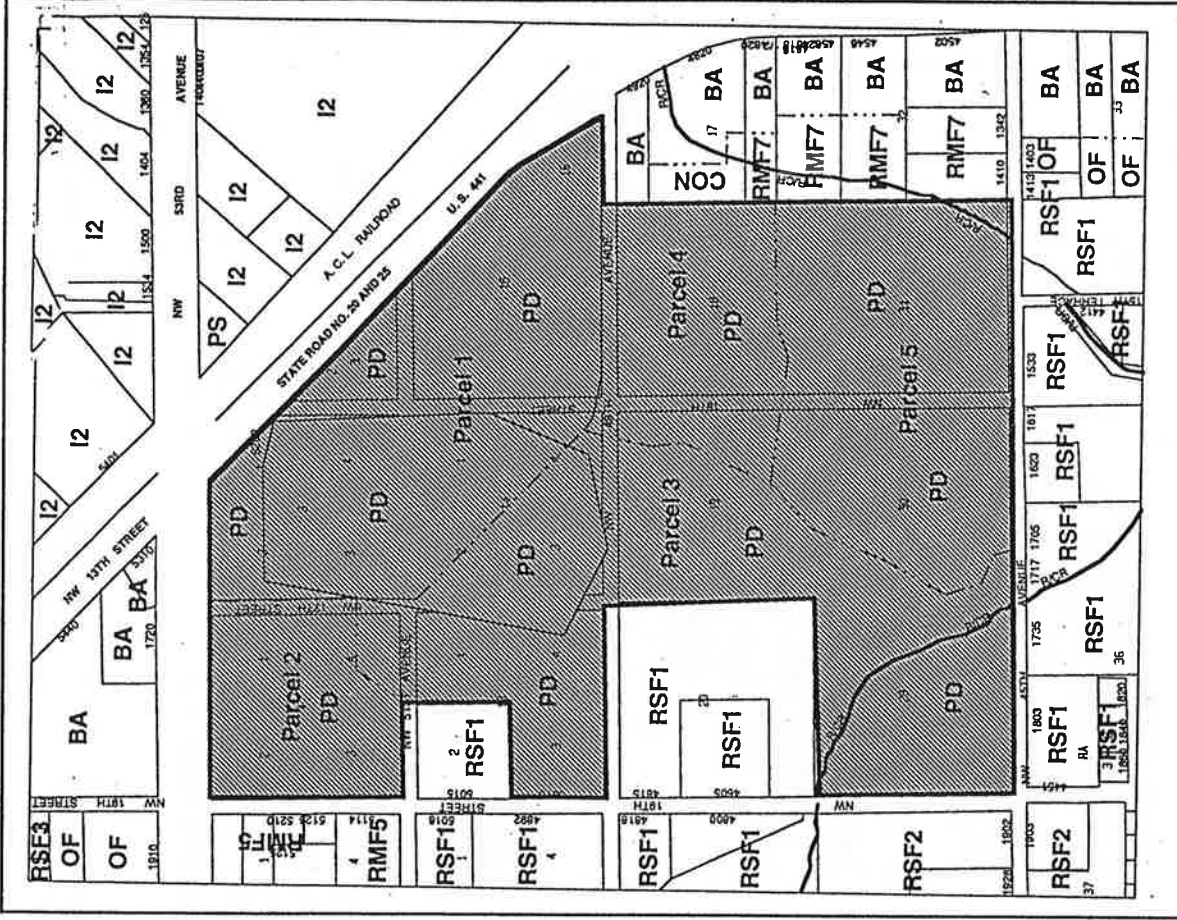
504453
 09-304
 HE-9C

Zoning Districts

- RSF1 Single-family Residential (3.5 du/acre)
- RSF2 Single-family Residential (4.6 du/acre)
- RSF3 Single-family Residential (5.8 du/acre)
- RSF4 Single-family Residential (8 du/acre)
- RMF5 Single-family/Multiple-family Residential (12 du/acre)
- RMF6 Multiple-family Residential (8-15 du/acre)
- RMF7 Multiple-family Residential (8-21 du/acre)
- RMF8 Multiple-family Residential (8-30 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RH1 Residential Mixed Use (up to 75 du/acre)
- RH2 Residential High Density (8-43 du/acre)
- OR Residential High Density (8-100 du/acre)
- OF Office Residential (20 du/acre)
- BUS General Office
- BA General Business
- BT Automotive-oriented Business
- MU1 Tourist-oriented Business
- MU2 Mixed Use Low Intensity (10-30 du/acre)
- CCD Mixed Use Medium Intensity (14-30 du/acre)
- W Central City District (up to 150 du/acre)
- I1 Warehousing and Wholesaling
- I2 Limited Industrial
- AGR General Industrial
- CON Agriculture
- MD Conservation
- PS Medical Services
- AF Public Services and Operations
- ED Airport Facility
- CP Educational Services
- PD Corporate Park
- Planned Development

- Historic Preservation/Conservation
- Special Area Plan
- Division line between two zoning districts
- City Limits

Area under petition consideration



ZONING

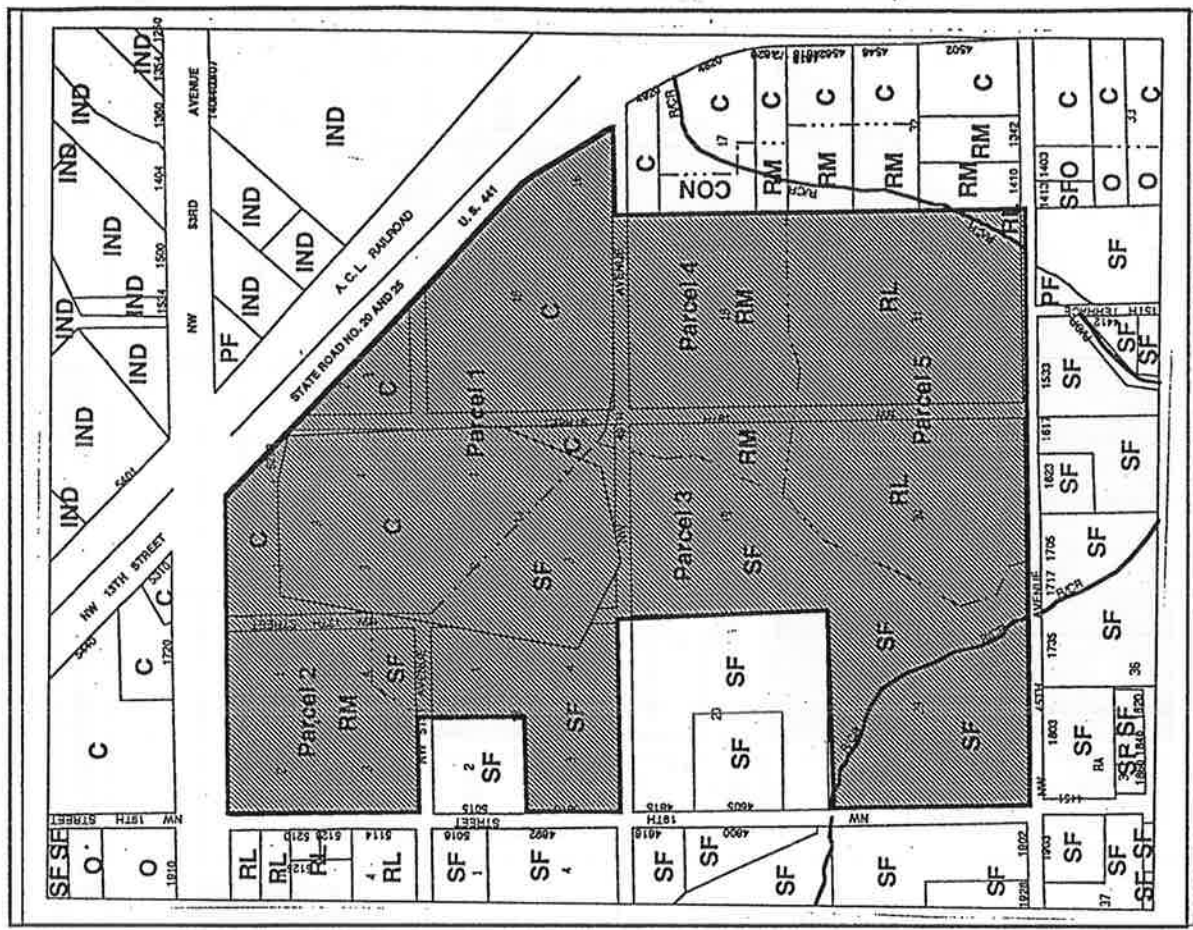
Name	Petition Request	Map(s)	Petition Number
Eng, Denman and Associates, Inc.	From PD to BUS, RSF4, RMF6 & RMF7	3349	148ZON-99PB



Land Use Designations

- SF Single Family (up to 8 units/acre)
- RL Residential Low Density (up to 12 units/acre)
- RM Residential Medium Density (8-30 units/acre)
- RH Residential High Density (8-100 units/acre)
- MUR Mixed Use Residential (up to 75 units/acre)
- MUL Mixed Use Low Intensity (10-30 units/acre)
- MUM Mixed Use Medium Intensity (14-30 units/acre)
- MUH Mixed Use High Intensity (up to 150 units/acre)
- O Office
- C Commercial
- IND Industrial
- E Education
- REC Recreation
- CON Conservation
- AGR Agriculture
- PF Public Facilities
- PUD Planned Use District

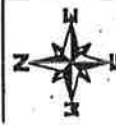
Division line between two land use districts
 City Limits



Area under petition consideration

LAND USE

Name	Petition Request	Map(s)	Petition Number
		3349	



No Scale



Board of County Commissioners

ALACHUA COUNTY ENVIRONMENTAL PROTECTION DEPARTMENT

226 South Main Street • Gainesville, Florida 32601-6538

Tel: (352) 955-2442 • Fax (352) 955-2440

Suncom: 625-2442

Home Page: www.co.alachua.fl.us

Chris Bird
Environmental Protection
Director

Barbara J. Pierce
Administrative Assistant

John J. Mousa
Pollution Prevention
Manager

November 24, 1999

Dean Mimms, AICP
City of Gainesville
Community Development Dept.
P.O. Box 490
Gainesville, FL 32602-0490

Dear ~~Mr. Mimms:~~ **DEAN**

RE: Hartman Property

I have completed my review of the subject property, the boundaries of which are presumed by me to be those indicated on the legal description sketch provided by Rick Melzer. Those boundaries are depicted on the attached graphics.

General Description. Figure 1 is a 1994 black and white aerial photograph of the project area and surrounding lands. In general, the property is bounded on the north and east by commercial and industrial uses, and on the south and west by residential uses. Figure 2 shows project boundaries overlain on the Gainesville East 7.5-minute quadrangle.

Mostly forested, the project area includes three large cleared areas: an abandoned golf driving range to the north, a business (13th Street Mobile Homes) to the east, and abandoned fields adjacent to a nursery to the south. Mature loblolly pine dominates in the northern half of the property, mixed hardwoods and pine in the southern half.

A southern pine beetle infestation in 1994 led to harvest of many of the pines in the west-central portion of the property. Today, this area consists of scattered loblolly pine with a dense understory of water oak and upland laurel oak saplings.

Incised drainages associated with Hogtown Creek are found in the southwest and southeast corners of the project area. An additional drainage, most easily seen in Figure 2, bisects the property in a northeast-to-southwest direction.

Flood Hazard Areas. Figure 3 depicts special flood hazard areas (i.e., areas



November 24, 1999

Page 2

inundated by 100-year flooding) pursuant to the Federal Emergency Management Agency's Flood Insurance Rate Maps (Panel #1251070009C). The area depicted within project boundaries, for the most part, equates to the main channel of Hogtown Creek.

I anticipate that the City of Gainesville Public Works Department may have more specific and accurate flood mapping for this property.

Surface Waters and Wetlands. Figure 4 provides an illustration of potential regulatory wetland and surface water areas. This map is a composite of various data from several sources and includes hydric soils from the Alachua County Soil Survey, National Wetlands Inventory mapping, and surface water and wetland components of 1995 land use mapping by the St. Johns River Water Management District. Actual wetland extent ultimately must be determined "on the ground."

During my field inspection, I confirmed the location of regulatory wetlands and surface waters in all areas identified in Figure 4 with the exception of the two isolated areas in the northwest portion of the project area. Actual areal extent, however, may differ somewhat from that shown in the figure.

The southwest corner of the property contains the main channel of Hogtown Creek and its confluence with two unnamed tributaries. In this location, Hogtown Creek and the tributary entering from the northeast are deeply incised. The tributary entering from the west is much shallower, almost a braided stream. Hydric seepage slopes extend upslope from the channels. This southwestern region of the property (both wetlands and uplands) is, in my opinion, by far the most ecologically intact, sensitive, and valuable area to be found on the entire tract. I encourage the city to make a concerted effort to preserve this area in its entirety, perhaps via a "conservation" zoning district.

The extreme southeast corner of the property contains another deeply incised tributary to Hogtown Creek.

The tributary that bisects the property from the northeast to the southwest starts as a sheetflow wetland drainage (enhanced by shovels for a short distance to facilitate drainage from the right-of-way of US 441) and becomes increasingly more channelized as one moves downslope to Hogtown Creek. Figure 5 suggests a sub-tributary joining this one from the east, but I did not verify its location during my inspection.

I did search for the two isolated wetlands previously mentioned but was unable to confirm their presence.

Soils. Figure 5 is a representation of soils in and around the project area as found in the Soil Survey of Alachua County, Florida.

The northern 80 percent (approximately) of the tract falls within the Pomona-Wauchula-Newnan association of relatively level, poorly drained to somewhat poorly drained soils. Specific soil map units represented are Pelham sand (poorly drained), Riviera sand (poorly drained), Surrency sand (very poorly drained), Wauchula sand (poorly drained), and

Wauchula-Urban land complex (poorly drained).

The southern 20 percent (approximately) of the tract appears to lie within the Millhopper-Bonneau-Arredondo association of nearly level to sloping, moderately well drained to well drained soils. Specific soil map units represented are Millhopper sand (moderately well drained), Riviera sand (poorly drained), and Surrency sand (very poorly drained).

Historic Resources. Figure 6 shows the approximate locations of documented archaeological and historical sites in the immediate vicinity of the project area.

Two prehistoric sites, 8AL3426 and 8AL3427, have been documented in the southwest quadrant of the tract in the vicinity of Hogtown Creek and its tributaries. This is the only area of the property, to date, that has been subjected to a professional subsurface survey.

Based on models of prehistoric settlement patterns and known locations of sites in environmentally similar areas elsewhere in the Hogtown Creek basin, it is my opinion that there is a moderate-to-high potential for the occurrence of as-yet undocumented, potentially significant resources located in unsurveyed portions of the tract (particularly on the southern 30 percent). Therefore, it is my recommendation that a professional assessment survey be conducted to ascertain the presence and potential significance of archaeological resources prior to any development of the site.

Wells. There may be wells located within the project area, though I did not personally locate them during my site visit.

The tract falls outside of current Murphree Well Field management zones. The entire property, however, falls within the currently modeled 25-year travel time zone with respect to the city's water supply wells.

Contamination. The department has no record of soil or groundwater contamination within the project area.

Thank you for the opportunity to offer comments on this application. Currently, I plan to make myself available for the December 16, 1999 public hearing on this issue if you so desire. Please contact me if you have any questions or desire further information.

Sincerely,



Michael Drummond
Senior Environmental Planner

attachments

cc: Rick Melzer
file

Legend:


 Project Boundary

Photo date: 1994

Figure 1

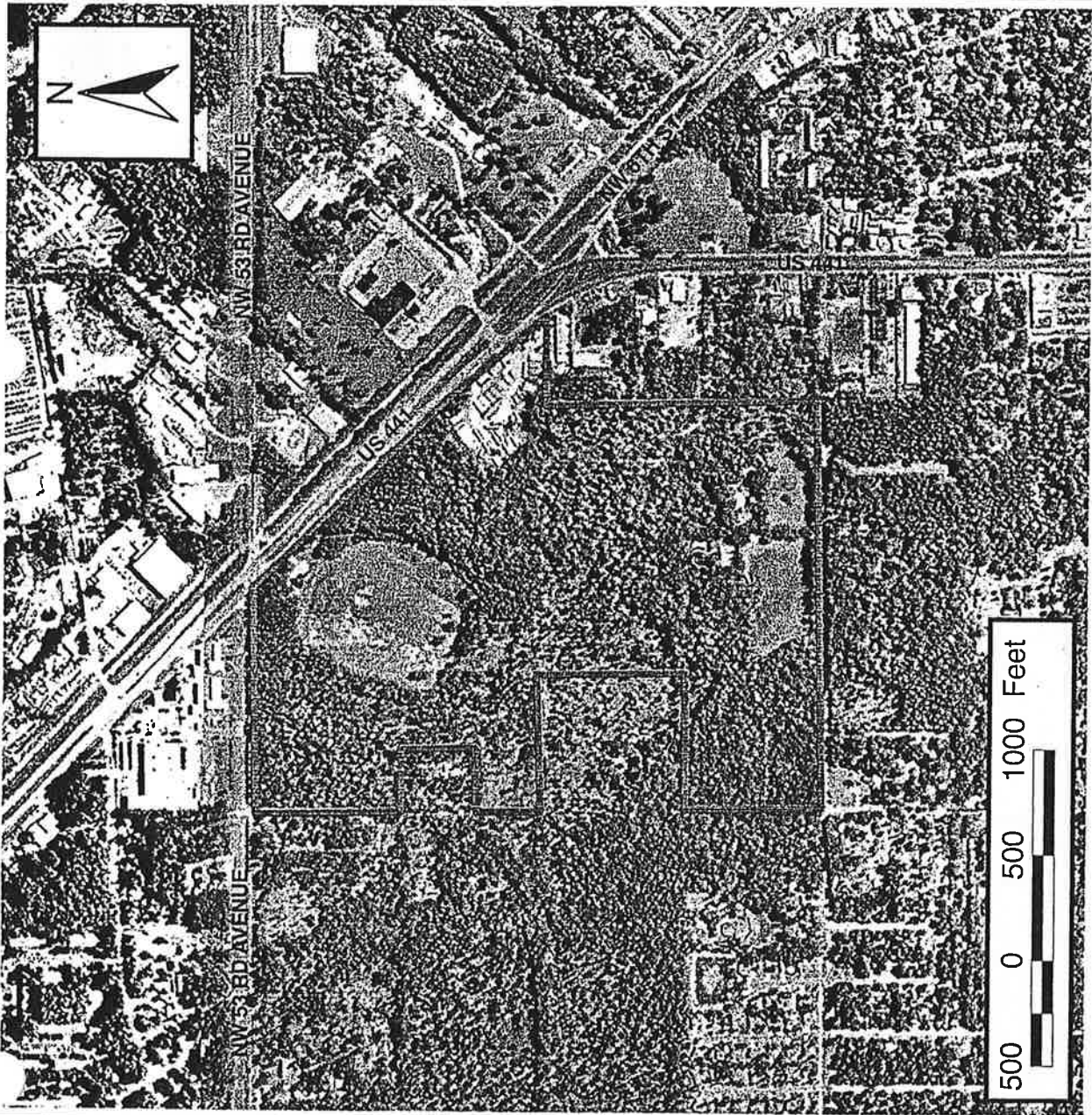
Hartman Property
Project Boundary

**Alachua County
Environmental Protection
Department**



NOTE: This map is for display purposes only.

Prepared by: Michael Drummond
Date: November 19, 1999
Source(s): FGDL: Alachua Co. Versions 1 & 2



Legend:



Project Boundary

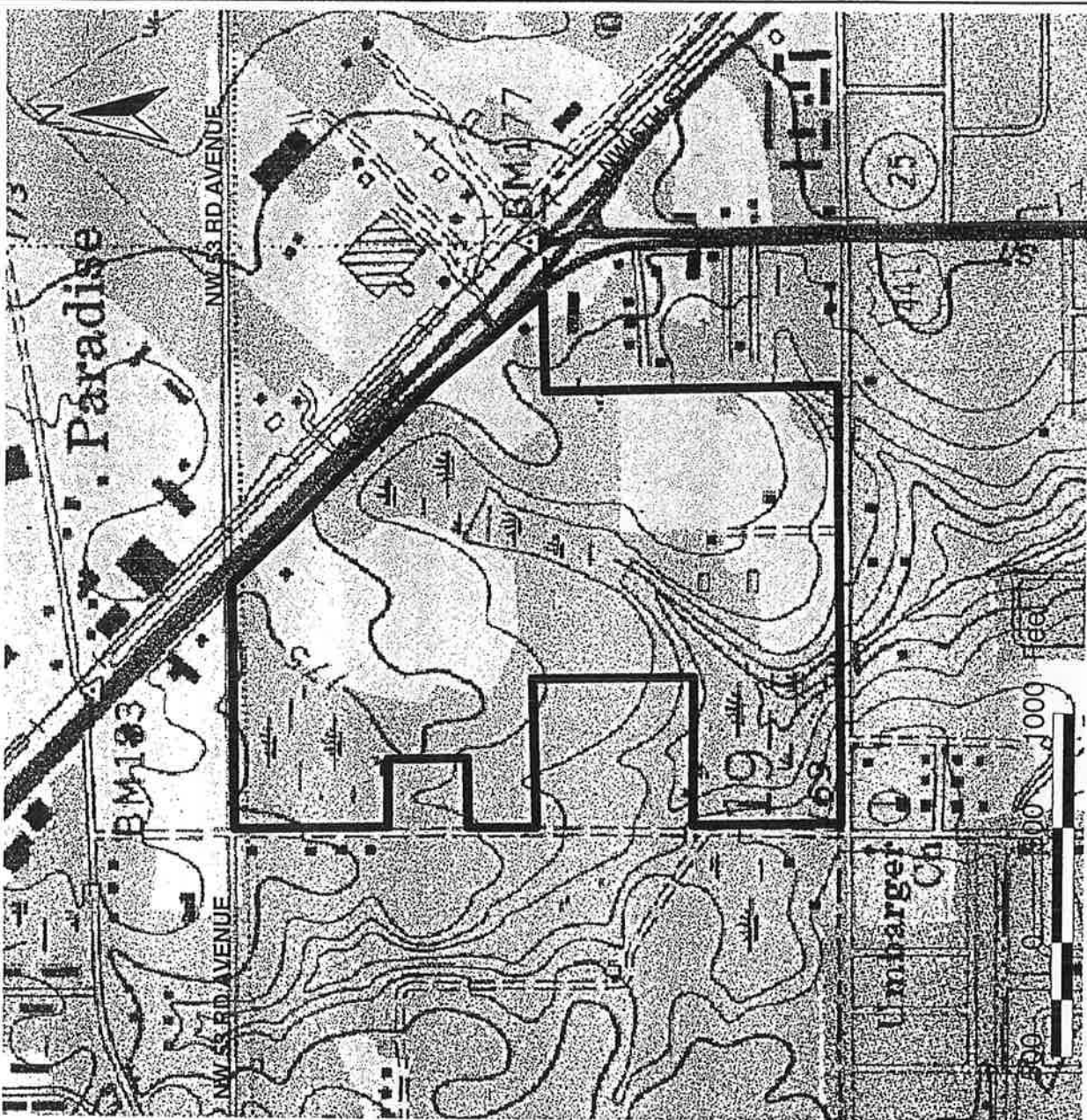


Figure 2

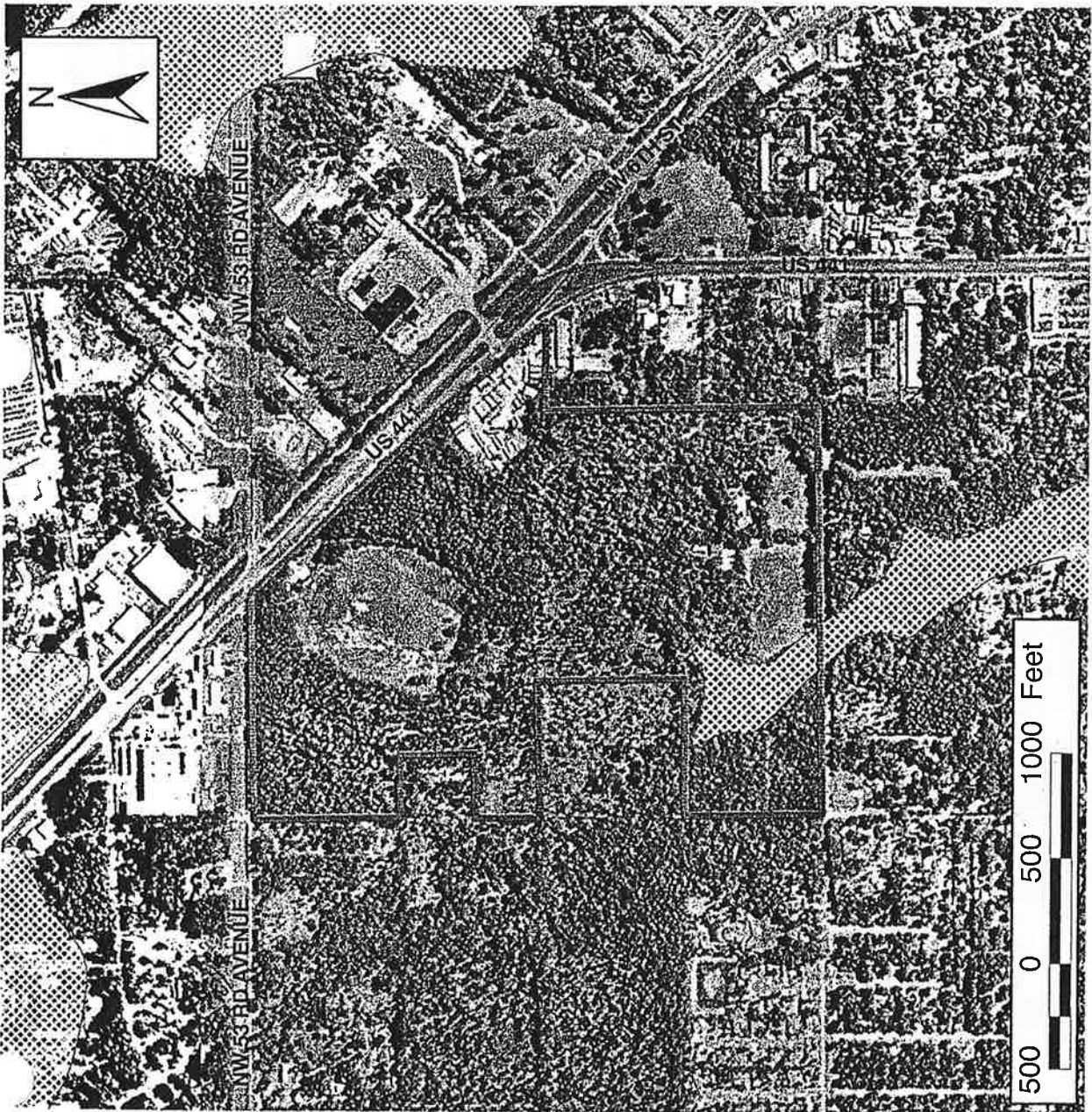
USGS 7.5' Quadrangle
Gainesville East

**Alachua County
Environmental Protection
Department**






NOTE: This map is for display purposes only.

Prepared by: Michael Drummond
Date: November 21, 1999
Source(s): FGDL: Alachua Co. Version 2



Legend:

-  Project Boundary
-  AREA LOCATED WITHIN SPECIAL FLOOD HAZARD AREA
-  AREA LOCATED WITHIN SPECIAL FLOOD HAZARD AREA

Note: The City of Gainesville Public Works Dept. may be in possession of more accurate maps

Photo date: 1994

Figure 3

FEMA
Flood Insurance Rate Map
Panel #1251070009C






**Alachua County
Environmental Protection
Department**

NOTE: This map is for display purposes only.

Prepared by: Michael Drummond
Date: November 21, 1999
Source(s): FGDL: Alachua Co. Versions 1 & 2



Legend:

-  Project Boundary
-  Wetlands
-  Streams

Note: Map is a composite of hydric soils from Alachua Co. Soil Survey, National Wetlands Inventory wetlands mapping, and wetland components of St. Johns River Water Mgt. Dist. land use mapping.

Photo date: 1994

Figure 4

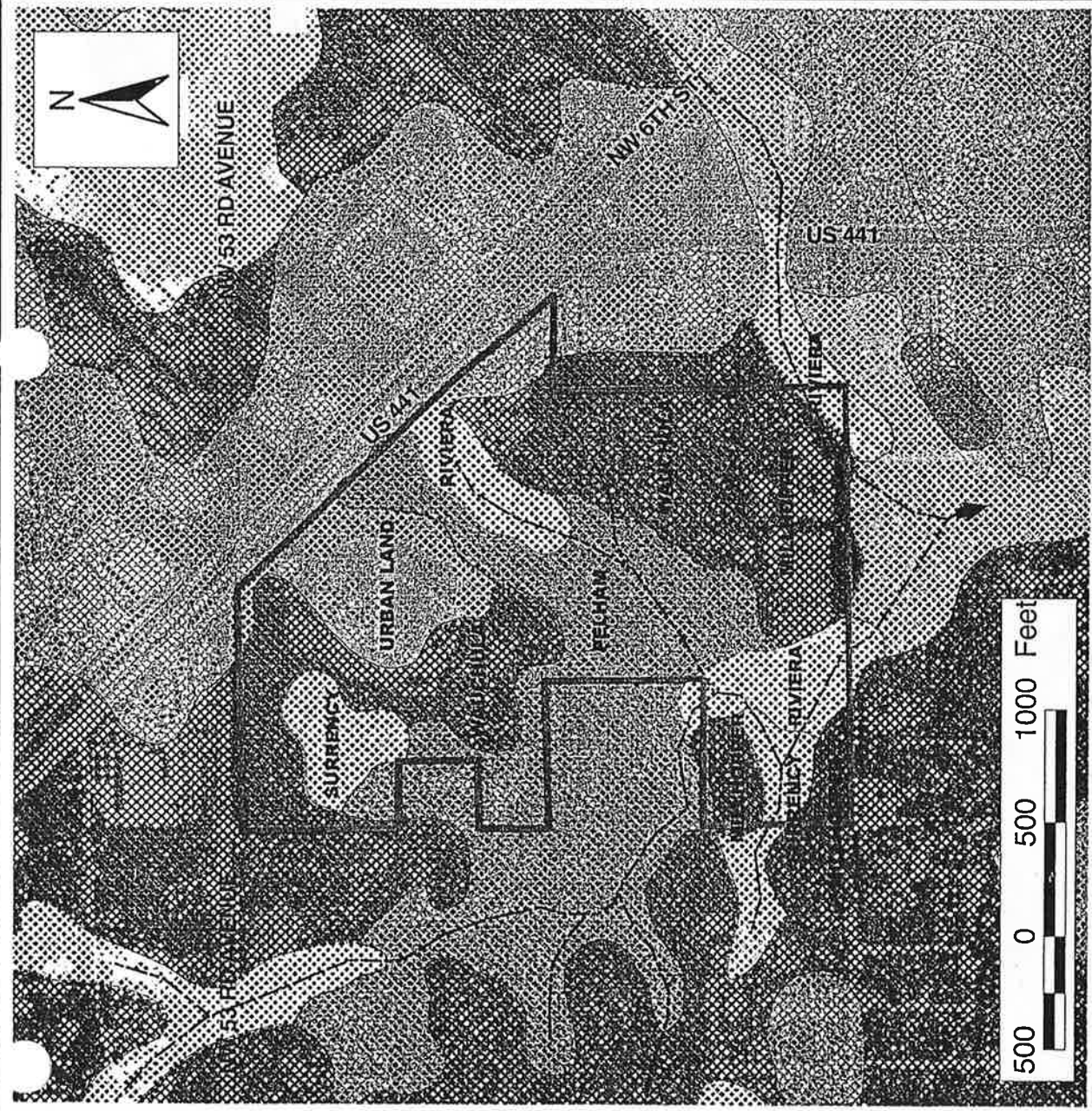
Composite Wetlands Map

Prepared by: Michael Drummond
 Date: November 21, 1999
 Source(s): FGDL: Alachua Co. Version 1 & 2

NOTE: This map is for display purposes only.



**Alachua County
 Environmental Protection
 Department**



Legend:













-  Project Boundary
- Soils**
-  ARREDONDO
-  KANAPAHA
-  MILLHOPPER
-  MONTEOCHA
-  PELHAM
-  POMPANO
-  RIVIERA
-  SURRENCY
-  URBAN LAND
-  WAUCHULA
-  Stream

Figure 5

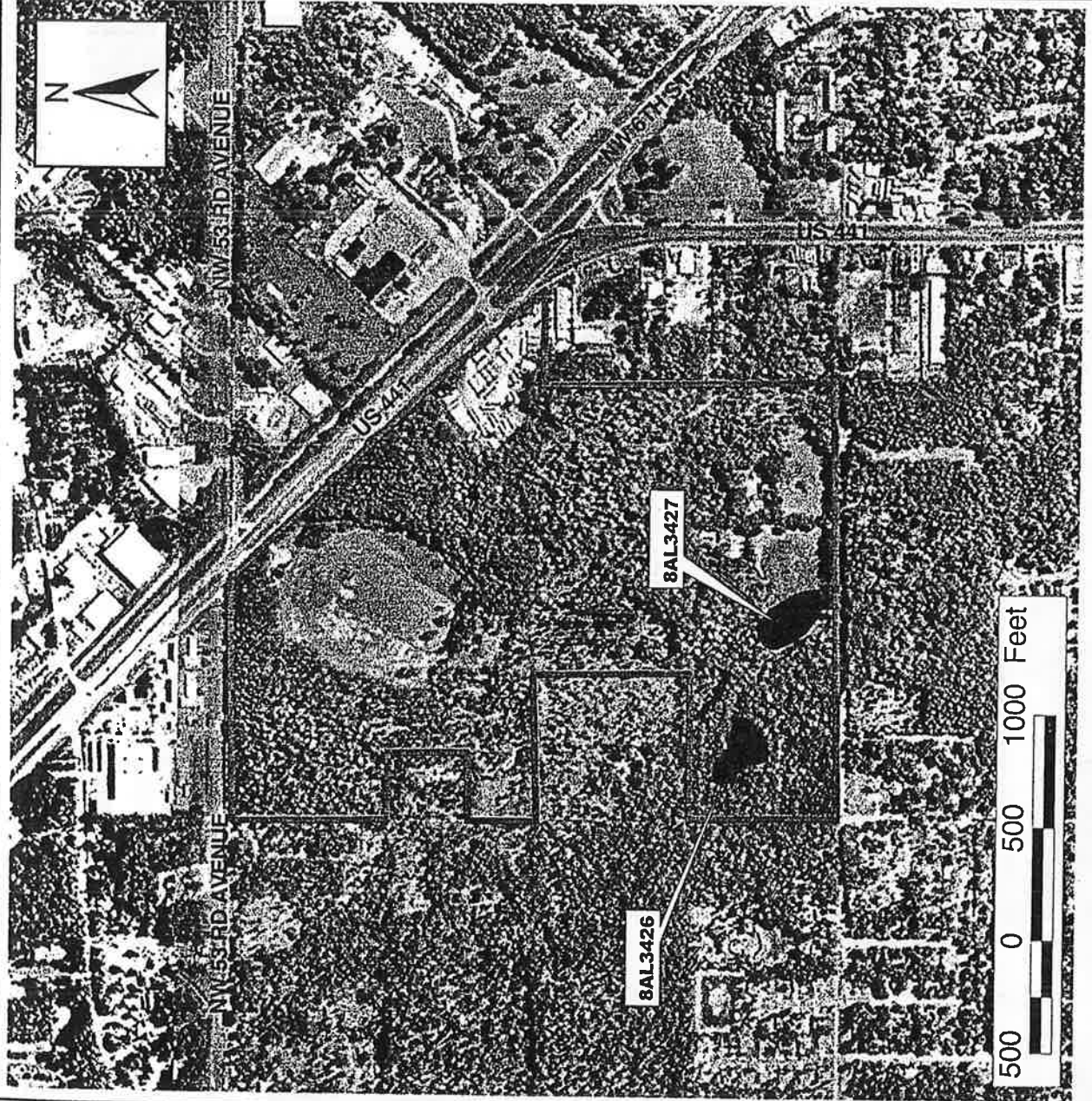
Soils

Prepared by: Michael Drummond
 Date: November 22, 1999
 Source(s): F&DL: Alachua Co. Versions 1 & 2
 Alachua Co. Soil Survey

NOTE: This map is for display purposes only.



**Alachua County
 Environmental Protection
 Department**



Legend:

 Project Area

 Archaeological Site

Photo date: 1994

Figure 6

Documented
Archaeological Sites

Prepared by: Michael Drummond
Date: November 23, 1999
Source(s): FGDL: Alachua Co. Versions 1 & 2
Dickinson, et. al 1997

NOTE: This map is for display purposes only.


**Alachua County
Environmental Protection
Department**

David-Paul & Celeste Niner
1903 NW 45th Avenue
Gainesville, FL 32605
(352) 371-8029

To Whom It May Concern:

My name is David-Paul Niner. My home residence lies adjacent to an area that is due to come before your commission on December 16th, 1999 for rezoning consideration. If the commission approves, the area in question, a 99-acre parcel of land from 45th Avenue North to 53rd Avenue would be rezoned to support single-family dwellings and commercial buildings. We feel this rezoning effort is not in the best interest of the surrounding home and landowners for multiple reasons.

Perhaps the most serious consideration in this matter is the children who attend Norton Elementary School just five hundred feet from the concerned area. The introduction of a transient population (which would ultimately result after the construction of single-family dwellings) would mean more traffic resulting along the already heavily congested area of 45th Avenue. As a network administrator with the Alachua County Sheriff's Office who routinely reviews the patrol logs, I am well aware that a significant portion of the calls involving violent crime occur in transient areas such as apartment complexes, and that is simply not something to which we wish to expose the young children of our community.

Another serious concern is the ecological effects of both the construction of a large series of single-family dwellings or a commercial venue. Our area of town is home to several species of hawks, as well as rare plant life. The cedars on our land have been declared some of the oldest in Gainesville, and our property is also home to several sego palm plants, which are well over one hundred years old. It is quite possible that the undeveloped area in question also contains such species, and the run-off pollutants generated from a construction site could easily harm or destroy the biological symbiosis necessary to support such life.

The Hog town creek runs directly through the concerned area as well. As you all well know, this creek has acted as a natural rain run-off route for decades. Suppose for a moment that a large storm comes through dropping an immense volume of rain in a short period of time. Our area is served by city water, but we must use a septic system to handle our water waste. There are no sewers available to catch runoff.

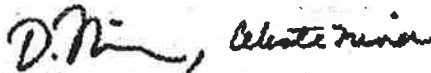
Finally, the concerned area is one of our few buffers from commercial traffic. Many residents of our community (from approximately 39th Avenue North to 45th Avenue, and 13th Street West to approx. 20th street) choose to live in this area because of its relative seclusion. Residents of our small community enjoy such luxuries as boarding horses on tens of acres of land and possessing large gardens from which we grow fresh vegetables. My children enjoy walking past undeveloped wooded areas and occasionally I take my eldest daughter down by Hog Town Creek to search for Shark's teeth. It's a lifestyle similar to living in a rustic

country setting, a privilege that is rarely enjoyed within the incorporated areas of Gainesville. I fear that if the area in question is rezoned, we will have to move out into the county to recapture a semblance of our current surroundings.

My wife and I attended the previous month's meeting during which the agenda was to address this particular issue. Our absence from this month's meeting should not be misinterpreted as apathy by any means. The holidays are busy (and inconvenient) times for all, and due to a standing commitment to the Sheriff's department we simply will be unavailable to attend.

We pass along our hopes and confidences that the committee will vote in such a manner as to further the best interests of our community as a whole and send a clear message to developers that we're not interested in living next door to an apartment complex or a Kmart.

Thank-you very much for your attention,



David-Paul & Celeste Niner

Petition 148ZON-99 PB—Legislative Matter No. 990709

September 24, 1999

Legal Description
(Parcel 1 – Bus Zoning)

A portion of Blocks 2, 3, 14, 15 and 16 and a portion of 2nd Street and East Street Avenue of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet, more or less; thence South 01°59'25" East, more or less, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records and the POINT OF BEGINNING; thence continue South 01°59'25" East, along the West boundary of said Block 3 and along a southerly extension of said West boundary, 681.99 feet, more or less; thence South 47°49'00" East, 652.57 feet, more or less, to the beginning of a curve concave Northeasterly and having a radius of 512.72 feet; thence Southeasterly, along the arc of said curve, through a central angle of 44°13'58" an arc distance of 395.82 feet, to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 69°55'59" East, 386.07 feet; thence North 87°57'02" East, 463.26 feet, more or less, to a point on the West boundary of Block 16 of said 'Plat' thence South 02°32'34" East, more or less, along said West boundary, 15.34 feet, more or less, to the Southwest corner of said Block 16; thence North 87°53'58" East, along the South boundary of said Block 16, a distance of 379.28 feet, more or less, to a point on the southwesterly right of way line of State Road No. 20 & 25 (U.S. Highway No. 441) said point lying on the arc of a curve, concave Southwesterly and having a radius of 5679.58 feet; thence Northwesterly, along said right of way line and along the arc of said curve through a central angle of 06°34'23" an arc distance of 651.57 feet, said arc being subtended by a chord having a bearing and distance of North 42°40'04" West, 651.22 feet; thence North 47°49'00" West, along said right of way line, non-tangent to the last described curve, 1150.49 feet, to a point on the north boundary of said Block 3 of said 'Plat' thence South 88°02'40" West, along said north boundary, 418.90 feet, to the POINT OF BEGINNING.

Containing 27.12 acres, more or less.

□□□□□□□□□□□□

Petition 148ZON-99 PB—Legislative Matter No. 990709

September 24, 1999

Legal Description
(Parcel 2 – RMF-7 Zoning)

A portion of Block 4 and a portion of a certain unnamed Street of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet, more or less; thence South 01°59'25" East, more or less, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records and the POINT OF BEGINNING; thence continue South 01°59'25" East, along the West boundary of said Block 3, a distance of 510.00 feet; thence South 88°02'40" West, more or less, 250.00 feet, more or less; thence South 38°28'01" West, more or less, 161.82 feet, more or less, to a northerly extension of the East boundary of Lot 2, Block 13 of said 'Plat' lying on the South boundary of said Block 4; thence South 88°14'02" West, more or less, along said South boundary, 305.00 feet, more or less, to the Southwest corner of said Block 4; thence North 01°59'25" West, more or less, 632.18 feet, more or less, to the Northwest corner of said Block 4; thence North 88°02'40" East, 660.00 feet, more or less, to the POINT OF BEGINNING.

Containing 8.73 acres, more or less.

□□□□□□□□□□

Petition 148ZON-99 PB—Legislative Matter No. 990709

September 24, 1999

Legal Description
(Parcel 3 – RSF-4 Zoning)

A portion of Blocks 4, 13, 14, 19, 29 and 30 and a portion of 2nd Street, 3rd Street, and a certain unnamed Street of 'Plat of Paradise', a subdivision as per plat thereof

recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet, more or less; thence South 01°59'25" East, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records; thence continue South 01°59'25" East, along the West boundary of said Block 3 a distance of 510.00 feet to the POINT OF BEGINNING; thence continue South 01°59'25" East, more or less, along said West boundary and along a southerly extension of said West boundary, 171.99 feet, more or less; thence South 47°49'00" East, 652.57 feet, more or less, to the beginning of a curve concave Northeasterly and having a radius of 512.72 feet; thence Southeasterly, along the arc of said curve, through a central angle of 12°29'26" more or less, an arc distance of 111.77 feet, more or less, to the centerline of a creek, said arc being subtended by a chord having a bearing and distance of South 54°03'43" East, 111.55 feet, more or less; thence Southwesterly and Southeasterly, along the centerline of said creek, through the following 9 courses and distances, more or less:

- 1) South 11°54'18" West, 291.34 feet; 2) South 05°16'05" East, 105.16 feet;
- 3) South 18°53'10" West, 246.34 feet; 4) South 43°43'41" West, 193.74 feet;
- 5) South 22°04'14" West, 252.10 feet; 6) South 34°14'08" West, 275.59 feet;
- 7) South 19°51'26" East, 100.80 feet; 8) South 67°36'37" East, 77.19 feet;
- 9) South 12°28'49" East, 81.33 feet, more or less to the South boundary of Block 30 of said 'Plat' thence South 87°53'58" West, more or less, along said South boundary and along the South boundary of Block 29 of said 'Plat' 776.00 feet, more or less, to the Southwest corner of said Block 29; thence North 01°59'25" West, more or less, 635.00 feet, more or less, to the northwest corner of said Block 29; thence North 87°53'58" East, more or less, 635.00 feet, more or less, to the Northeast corner of said Block 29 and the Southwest corner of Block 19 of said 'Plat' thence North 01°59'54" West, more or less, along the West boundary of said Block 19 and along a Northerly extension of said West boundary, 685.00 feet, more or less, to an Easterly extension of the south boundary of Block 13 of said 'Plat' thence South 87°53'58" West, more or less, 634.90 feet, more or less, to the Southwest corner of said Block 13; thence North 02°12'29" West, more or less, 313.54 feet, more or less, to the Northwest corner of Lot 3 of said Block 13; thence North

88°14'02" East, more or less, 306.19 feet, more or less to the Southwest corner of Lot 1 of said Block 13; thence North 01°59'25" West, more or less, along the West boundary of said Lot 1, and along a Northerly extension of said West boundary, 355.00 feet, more or less, to the South boundary of Block 4 of said 'Plat' thence North 38°28'01" East, more or less, 161.82 feet, more or less; thence North 88°02'40" East, 250.00 feet, more or less, to the POINT OF BEGINNING.

Containing 31.54 acres, more or less.

Petition 148ZON-99 PB—Legislative Matter No. 990709

September 27, 1999

Legal Description
(Parcel 4 - RMF-7 Zoning)

A portion of Blocks 14, 15, 18 and 19 and a portion of 3rd Street, and East Street Avenue of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet, more or less; thence South 01°59'25" East, more or less, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records; thence continue South 01°59'25" East, more or less, along the West boundary of said Block 3, and along a southerly extension of said West boundary, 681.99 feet, more or less; thence South 47°49'00" East, 652.57 feet, more or less, to the beginning of a curve concave Northeasterly and having a radius of 512.72 feet; thence Southeasterly, along the arc of said curve, through a central angle of 12°29'26" more or less, an arc distance of 111.77 feet, more or less, to the POINT OF BEGINNING, said arc being subtended by a chord having a bearing and distance of South 54°03'43" East, 111.55 feet, more or less; thence continue Southeasterly, along the arc of said curve, through a central angle of 31°44'32" more or less, an arc distance of 284.05 feet, more or less, to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 76°10'42" East, 280.43 feet, more or less; thence North 87°57'02" East, 463.26 feet, more or less, to the East boundary of Block 15 of said 'Plat' thence South 02°32'34" East, more or less, along said East boundary, and along the East boundary of Block 18 of said 'Plat' 530.38 feet; thence South 87°27'26" West, 431.15 feet; thence South 70°02'35" West, 103.21 feet, thence North 84°50'02" West, 355.76 feet, more or less, to the centerline of a creek; thence Northeasterly, along the centerline of said creek, through the following 3 courses and distances, more or less:

- 1) North 18°53'10" East, 224.92 feet; 2) North 05°16'05" West, 105.16 feet;
- 3) North 11°54'18" East, 291.34 feet, more or less, to the POINT OF BEGINNING.

Containing 10.20 acres, more or less.

Petition 148ZON-99 PB—Legislative Matter No. 990709

September 27, 1999

Legal Description
(Parcel 5 - RMF-6 Zoning)

A portion of Blocks 18, 19, 30 and 31 and a portion of East Street Avenue of 'Plat of Paradise', a subdivision as per plat thereof recorded in Plat Book "A", page 4 of the public records of Alachua County, Florida; being more particularly described as follows:

Commence at the Northeast corner of Section 19, Township 9 South, Range 20 East, Alachua County, Florida, and run thence South 88°02'40" West, along the North boundary of said section, 1918.95 feet, more or less; thence South 01°59'25" East, 25.00 feet, more or less, to the Northwest corner of Block 3 of 'Plat of Paradise' as per plat recorded in Plat Book "A", page 4 of said public records; thence continue South 01°59'25" East, more or less, along the West boundary of said Block 3, and along a southerly extension of said West boundary, 681.99 feet, more or less; thence South 47°49'00" East, 652.57 feet, more or less, to the beginning of a curve concave Northeasterly and having a radius of 512.72 feet; thence Southeasterly, along the arc of said curve, through a central angle of 44°13'58" an arc distance of 395.82 feet, to the end of said curve, said arc being subtended by a chord having a bearing and distance of South 69°55'59" East, 386.07 feet; thence North 87°57'02" East, 463.26 feet, more or less, to the East boundary of Block 15 of said 'Plat' thence South 02°32'34" East, more or less, along said East boundary, and along the East boundary of Block 18 of said 'Plat' 530.38 feet, to the POINT OF BEGINNING; thence continue South 02°32'34" East, more or less, along the East boundary of said Block 18 and along the East boundary of Block 31 of said 'Plat' 805.00 feet, more or less to the Southeast corner of said Block 31; thence South 87°53'58" West, more or less, along the South boundary of said Block 31, and along the South boundary of Block 30 of said 'Plat' 1186.00 feet, more or less, to the centerline of a creek; thence Northwesterly and Northeasterly, along the centerline of said creek, through the following 7 courses and distances, more or less:

- 1) North 12°28'49" West, 81.33 feet; 2) North 67°36'37" West, 77.19 feet;
- 3) North 19°51'26" West, 100.80 feet; 4) North 34°14'08" East, 275.59 feet;
- 5) North 22°04'14" East, 252.10 feet; 6) North 43°43'41" East, 193.74 feet;
- 7) North 18°53'10" East, 21.42 feet, more or less, to a point hereinafter referred to as "Point A"; thence, from the POINT OF BEGINNING, run South 87°27'26" West, 431.15 feet; thence South 70°02'35" West, 103.21 feet; thence North 84°50'02" West, 355.76 feet, more or less, to "Point A" in the centerline of said creek to close.

Containing 20.87 acres, more or less.

1. **Petition 148ZON-99 PB** Eng, Denman & Associates, Inc., agent for Mike S. Hartman, family representative. Rezone approximately 99 acres of property from PD (Planned development) to BUS (General business district), RSF-4 (8 units/acre single-family residential district), RMF-6 (8-15 units/acre multiple-family residential district), and RMF-7 (8-21 units/acre multiple family residential district). Located between Northwest 45th and 53rd Avenues and between Northwest 13th and 19th Streets.

Board Member Jane Myers was recognized. Ms. Myers indicated that she had been informed that the property in Petition 148ZON-99 PB was listed with M.M. Parrish. She explained that she worked as an independent contractor in the residential division of M.M. Parrish. Ms. Myers stated that, as an independent contractor, she would have no financial gain or loss from any action taken by the board on the property.

Mr. Dean Mimms was recognized. Mr. Mimms presented a drawing of the site and described it in detail. He indicated that staff recommended that the property be developed under the Planned Development Zoning District rather than the straight zoning proposed by the petitioner. He explained that, should the board choose to go with the straight zoning, planning staff recommended approval of the proposed zoning with the exception of Block 29, which should be rezoned to Conservation rather than RSF-4. Mr. Mimms noted that the mostly wooded site was annexed by the City in 1992 and was zoned PUD by the County. He explained that the PUD zoning had now expired and the site was essentially without any zoning designation. He pointed out the divisions of the requested zoning on the map and described the uses allowed in each of the proposed zoning districts. Mr. Mimms presented slides of the property and the surrounding areas. He also presented flood maps showing portions of the site designated by FEMA as special flood hazard areas and maps indicating significant wetlands identified by the County's Environmental Protection Department. Mr. Mimms pointed out that Block 29, which staff recommended be zoned Conservation, contained known archeological sites as well as a portion of Hogtown Creek. He noted that approximately 80 percent of the property had poorly drained soils and, therefore, staff believed a master stormwater management plan was necessary for any development on the site. Mr. Mimms noted that the commercial portion of the application was mandated by a 1980 court order. He stated that staff agreed with the application of commercial zoning on the portion of the property on US Highway 441. He discussed the special environmental conditions that existed on the southwestern portion of the site and he reiterated that staff recommended that the 9 plus acres of Block 29 be zoned Conservation. He explained that the Conservation zoning would ensure the natural resources on the site would be protected. Mr. Mimms stated that the preferred alternative to the Conservation Zoning would be the Planned Development Zoning. He indicated that PD Zoning would offer protection for environmental and historical resources by taking a holistic look at the entire site. He noted that a PD would also allow the Plan Board to review and approve specific regulation that would not be required by straight zoning. Mr. Mimms offered to answer any questions from the board.

Dr. Fried requested that Mr. Mimms state the number of dwelling units possible under the requested zoning categories. He also requested information on the size of the proposed commercial area.

Mr. Mimms explained that the commercial would be developed as a neighborhood shopping center and would have a cap of 100,000 square feet. He pointed out that, as a PD, the number of square feet would be open to negotiation.

These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville.

Dr. Fried suggested that there was a potential for 400 dwelling units and 100,000 square feet of commercial space.

Mr. Mimms stated that there would be 776 dwelling units at a maximum. He indicated, however, that the maximum would not be likely given the environmental constraints.

Mr. Carter asked what percentage of Block 29 would be within the flood plain.

Mr. Mimms indicated that, based upon the FEMA maps, he could only estimate the area. He suggested that the flood plain was probably larger since there were inaccuracies in those maps. He noted that the rules of the creek setback ordinance might extend that protection. He pointed out that the uplands were of environmental value as well. He estimated that the flood plain area would be approximately 30 percent.

Mr. Carter suggest that the restrictions in the Land Development Code would be protection enough to protect Block 29.

Mr. Mimms pointed out that the Conservation Zoning would offer far more protection than just the Land Development Code restrictions. He reiterated that, if the property were zoned Planned Development, the site could be customized.

Dr. Fried asked if the areas designated as floodplain affected the total number of units that could be placed on the site. He asked if the total number of units could be transferred from the floodplain to developable acreage.

Mr. Mimms stated that it was possible to transfer development if the setback and other requirements could be met. He reiterated that a Planned Development would make that transfer easier to achieve.

Chair Guy cited a concern about the kind of development that might take place with separate zoning on each parcel. He agreed that a PD would allow the site to be developed as a whole with greater concern for the environmentally sensitive areas.

Ms. Dowling requested that Mr. Mimms point out Hogtown Creek on the map.

Mr. Mimms deferred to Mr. Michael Drummond.

Mr. Michael Drummond, representing the Alachua County Environmental Protection Agency, was recognized. Mr. Drummond pointed out the location of the creek.

Mr. Jim Clayton, agent for the petitioner, was recognized. Mr. Clayton gave a history of the property and its annexation into the City. He explained that since the County PUD expired, the property had no real zoning. Regarding the designation of the blocks of land, he explained that the property was once part of a subdivision called the Town of Paradise and the property had been platted before 1900. He noted that the plat had not been abandoned but the County, by ordinance, had abandoned the streets. Mr. Clayton suggested that the

Plan Board could recommend the requested straight zoning to the City Commission and it would still protect the environmental aspects of Block 29 that were of concern, without the designation of Conservation Zoning.

Mr. Ralph Eng, agent for the petitioner, was recognized. Mr. Eng noted that, while there was no zoning on the property, there was a land use designation in the Land Use Plan. Mr. Eng discussed the history of the property and the litigation that determined that 50 percent of the property would be commercial. He pointed out that the court order was still in effect, regardless of the land use and zoning that was placed on the property. He discussed the expired PUD and how the land use designation was applied. Mr. Eng stated that a Planned Development would be costly and required that the entire site be laid out as a whole. He agreed that a Planned Development would give control, but could also increase the density on the site. Mr. Eng stated that he did not disagree with Mr. Drummond's report on the wetlands areas. He noted, however, that the City, in redesigning NW 45th Avenue had shown retention basins on Blocks 29 and 30 of the site. He suggested that zoning Block 29 to Conservation might inhibit the reconstruction of NW 45th Avenue. He discussed the possibility of a master stormwater basin to serve both the development and NW 45th Avenue. Regarding the two archeological sites on Blocks 29 and 30, Mr. Eng pointed out that they did not meet the criteria of significance. He agreed, however, that there might be sites of significance on the property and a detailed study would have to be done to meet the state requirements. He suggested that the evidence presented supported the request for straight zoning. Mr. Eng stated that staff had previously given support to straight zoning on the site and the issue of Conservation Zoning on Lot 29 only came up recently. He stated that he was willing to work with staff on the issue, but he questioned the City's ability to place a stormwater basin in a Conservation Zoned area. Regarding NW 19th Street, Mr. Eng stated that, unless mandated by the City, there was no need for any development on the property to ingress or egress to the west. Mr. Eng offered to answer any questions from the board.

Mr. Dick Tarbox, agent for the petitioner, was recognized. Mr. Tarbox discussed the property and noted that it qualified as infill development. He pointed out that a planned development dictated that there be only one developer and that would be difficult given the variety of uses on a large piece of property. He stated that there had never been any proposal to access NW 19th Street from the site. Mr. Tarbox requested that the board place the requested straight zoning on the property.

Chair Guy opened the floor to public comment.

Mr. Jimmy Massey, resident near NW 45th Avenue, was recognized. Mr. Massey cited concerns about the manner of notification of proposed changes in the zoning designation on the site. He suggested that he calculated that there could be as many as 900 residential units on the site under straight zoning. Mr. Massey asked how the size of the property and the proposed number of units related to the Development of Regional Impact (DRI) threshold of the City Of Gainesville. He suggested that the proposed commercial area could generate as many as 6,000 additional trips and the residential area another 6,000 trips a day on the roadways. Mr. Massey stated that he favored the stricter controls of the Planned Development Zoning.

Mr. Hilliard explained that property without zoning was deemed to be Conservation, which limited the development of the site. He pointed out that nothing in straight zoning that exempted a development from meeting concurrency requirements. He noted that there was no way of knowing what might be developed on the site until a design plat or site plan came in. Mr. Hilliard indicated that issues of the number of units per

acre would be determined at that time. He pointed out that all developments would be required to meet the criteria of the TCEA if concurrency was not available.

Mr. Mimms discussed the DRI threshold for mixed residential and commercial use. He agreed that, given the court order for commercial, the size of property and the potential for development brought it close to that threshold.

Dr. Fried pointed out that, with the TCEA, there was no control on the amount of traffic generated. He suggested that a development could be presented without information on potential trip generation.

Mr. Hilliard explained the TCEA did require information on how many trips the development would generate. He pointed out that the information was necessary to determine how that traffic would be mitigated. He noted that development could take place on the site without any mitigation because the levels of service are fairly good at the present time. He explained that the TCEA would require mitigation for a project, regardless of whether there was a major impact on the road. Mr. Hilliard pointed out that issues of traffic were dealt with at site plan review, not in the zoning process.

Mr. Brian McNab, resident on NW 19th Street, was recognized. Mr. McNab discussed incidents of severe flooding on his and the Hartman's property. He agreed that the site would eventually be developed, but he desired to maintain local community integrity. He cited concerns that any development on the Hartman property would exit onto NW 19th Street. He pointed out that NW 19th Street was unpaved and paving would take out a significant number of large trees. Mr. McNab also cited a concern about protection of Hogtown Creek which was located on the property. He recommended that Block 29 be zoned Conservation and other areas of the site be zoned RSF-1.

Mr. Thomas Emmel, resident on NW 45th Avenue, was recognized. Mr. Emmel noted that the two stormwater basins planned for NW 45th Avenue would only take care of water from the street. He discussed the site and the water that came from the site and NW 45th Avenue. He pointed out that excess runoff went into Hogtown Creek. He discussed the high water table in the area and noted concerns about possible flooding.

Ms. Giovanna Holbrook was recognized. Ms. Holbrook suggested that the site be purchased as a park.

Ms. Sue Grant, resident on NW 19th Street, was recognized. Ms. Grant cited concerns about flooding. She discussed the current problems with flooding at her home and urged the board to require significant studies to deal with the issue. She noted that there was a ditch that ran almost the entire length of the site and drained into Hogtown Creek. She explained that the ditch had as much as two feet of water most of the time. Ms. Grant discussed the archeological sites and indicated that significant findings had been made on the property in the past and she would like to see that area protected.

Mr. Robert Ackerman, resident on NW 19th Street was recognized. Mr. Ackerman indicated that drainage was a serious problem in the area. Regarding the court order determining commercial property, he suggested that the order was based upon circumstances that were ten years out of date.

Mr. Ewen Thompson, resident of the area, was recognized. Mr. Thompson stated that drainage was a major problem. He suggested that any development would make those problems worse. He discussed the density of the proposed development. He suggested that there be requirements to maintain the present wetlands and tree canopy.

Ms. Jeraldine Parker, resident on NW 19th Street, was recognized. Ms. Parker indicated that all of the property in the area was very wet. She agreed with the idea of making the site a park or developing it with single-family housing.

Mr. Mickala Witwer, resident on NW 45th Avenue, was recognized. Mr. Witwer cited concerns about traffic, maintenance of consistent zoning along NW 45th Avenue and quantity and quality of water leaving the site. He pointed out that water running across undeveloped land had a different quality from runoff from developed sites with parking lots.

Mr. Donald Parker, resident on NW 19th Street was recognized. Mr. Parker pointed out a large area in the northwestern portion of the site that had waist deep standing water during heavy rains. He agreed that the major concerns for residents of the area was flooding.

Chair Guy closed the floor to public comment. He called for questions from the board.

Ms. Myers asked if there were CH2M Hill flood maps available for the site. She noted those maps were more accurate than the FEMA maps.

Mr. Rick Melzer, representing the City's Public Works Department, was recognized. Mr. Melzer indicated that the CH2M Hill study did not include the area of the Hartman property.

Ms. Myers indicated that she recently dealt with a piece of property that the FEMA maps indicated was not in the floodplain. She noted, however, that the CH2M Hill maps clearly designated floodplain areas. She cited grave concerns about using FEMA maps to determine floodplain and wetland areas.

Mr. Clayton asked if the procedure before the board was a quasi-judicial procedure.

Mr. Hilliard explained that the matter was not a quasi-judicial matter since the Plan Board was only advisory to the City Commission on the petition. He indicated that the quasi-judicial hearing would be before the City Commission.

Mr. Clayton stated that the City would have control over development of the property even with straight zoning. He indicated that Mr. Eng would speak to the issues of the water on the site.

Mr. Eng stated that when a project came before the board, a complete evaluation of the watershed throughout the area would have to be provided. He explained that any development would have to take any sheet flow into consideration in the internal drainage system which would direct runoff to retention basins. He reiterated that the site did not have to exit to NW 19th Street.

Ms. Myers suggested the proposals for higher densities on the site should be taken into account with issues of water and zoning. She also suggested that the proposed higher density zoning may not be appropriate, given the possible flooding situation. Ms. Myers cited a concern about giving the property zoning designations without information on what would be constructed on the site.

Mr. Guy asked if single-family residential had different stormwater requirements than higher density zoning.

Mr. Hilliard stated that the stormwater requirements would be the same regardless of the type of development. He explained that staff recommended the PD Zoning because there were so many environmental issues on the site. He pointed out that staff's concern was not limited to wetland issues. He explained that, with the regular zoning process, staff was limited in its ability to arrange development in the best manner possible. He discussed the benefits of having a PD as opposed to straight zoning.

Dr. Fried pointed out that straight zoning would allow the density to be maximized. He agreed that a PD would allow more suitable development.

Ms. Dowling asked if there was the possibility of having the PD zoning on certain parcels, Conservation zoning on Block 29, and Commercial Zoning in the area along US 441. She indicated that she would like to see a PD on the area around NW 19th Street and 45th Avenue, and Commercial zoning on NW 53rd and US 441.

Mr. Hilliard agreed that the zoning could be split up in that manner. He stated that staff was willing to work with the petitioner on the issue. He noted that Mr. Eng stated that staff originally supported the idea of straight zoning. He agreed that they had, but noted that in initial conversations with Mr. Eng, staff was not yet aware of the environmental constraints on the site. He explained that, as those and other constraints became apparent, staff determined that a PD was a better solution. Mr. Hilliard stated that there were many issues to be resolved concerning development of the site.

Mr. Carter asked if Mr. Eng was correct in his statement that Conservation Zoning would prohibit the City from placing retention basins on Block 29.

Mr. Hilliard stated that the City's public stormwater projects were permitted in any district. He explained that a private developer could only place stormwater basins in the area of the specific zoning. He pointed out that the PD process could deal with the issue of stormwater.

Mr. Guy cited a concern about the access to a PD Zoned area if Commercial Zoning was placed on US 441 and NW 53rd Avenue.

Ms. Dowling pointed out that the Commercial Zoned area would be reviewed for access to other properties when development came in for review.

Mr. Hilliard stated that there were platted roadways through the property.

Mr. Eng stated that there were no platted roads through the property. He explained that the roads shown on the legal description sketch were closed some time ago. He agreed that connectivity would probably take place between the different parcels, depending on the developers.

<u>Motion By:</u> Dr. Fried	<u>Seconded By:</u> Ms. Dowling
<u>Moved to:</u> Approve Petition 148ZON-99 PB with the area designated by the petitioner's Legal Description Sketch as Parcel 1 to be Commercial Zoning, the are designated as Block 29 to be Conservation Zoning and the remainder of the site have Planned Development Zoning.	<u>Upon Vote:</u> Motion Carried 4-1 Yeas: Fried, Dowling, Myers, Carter Nays: Guy

