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LAW OFFICE

CARPENTER & PARRISH, P.A.

5608 NW 43rd STREET
GAINESVILLE, FLORIDA 32653-8334

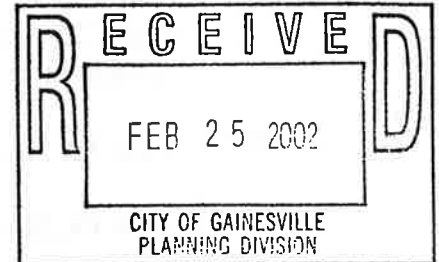
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RONALD A. CARPENTER

SHARON D. PARRISH

February 25, 2002

Tom Saunders, Director
Community Development
City of Gainesville
Thomas Center, Room 230



Re: Walnut Creek

Dear Mr. Saunders:

Please accept this letter as a Petition for Extension for Final or Conditional Plat Approval by the City of Gainesville.

Statement of Facts

On October 9, 2000, the City of Gainesville adopted a Planned Development District Ordinance for a project known as "Walnut Creek", a copy of which is attached as Exhibit "A". Section 4, Paragraph 5 of the Ordinance provided as follows:

"A design plat shall be adopted within one year from the adoption of approval of the planned development ordinance. A final plat or conditional plat shall be adopted within one year of the approval of the design plat. A one year extension from this time limit may be granted by the city commission upon application filed by the owner/petitioner prior to the expiration of the one year period and upon good cause shown by the owner/petitioner. The design plat and final plat process shall implement requirements. All proposed streets shall be dedicated to the City of Gainesville as right-of-way on the subdivision plat. Bonds for public improvements shall be in accordance with § 30-186 of the Land Development Code. The owner/developer shall dedicate an easement over, across and through the alleys in the development for emergency access, maintenance of public utilities and garbage collection. (See Sheet 3 of Exhibit "C".) All public roadways shown on the PD Layout Plan, Sheet 3 of Exhibit "C" shall be fully constructed and accepted by the City within 18 months from final or conditional plat approval of any part of the proposed planned development."

A Design Plat was adopted on March 26, 2001 and the final or conditional plat was to be approved therefore on or before March 26, 2002. The following events occurred subsequent to Design Plat Approval:

1. April 20, 2001 - Application to St. Johns River Water Management District (SJRWMD) for a Stormwater Environmental Resource Permit.
2. May 18, 2001 - Request for Additional Information from SJRWMD.
3. June 19, 2001 - Response to Request for Additional Information.
4. July 17, 2001 - Second Request for Additional Information from SJRWMD.
5. July 30, 2001 - Response to Second Request for Additional Information.
6. August 30, 2001 - Technical Staff Report of SJRWMD recommending issuance of permit.
7. August 30, 2001 - Notice of Intent of SJRWMD to approve permit September 11, 2001.
8. September 7, 2001 - Petition for Administrative Hearing filed by Glen Springs Preservation Association and Elizabeth Furlow.
9. December 10, 2001 - Mediation held with the Applicant, SJRWMD and Glen Springs Preservation Association.
10. January 3 & 4, 2002 - Two-day hearing before Administrative Law Judge to rule on objections to issuance of the permit.
11. February 14, 2002 - Ruling of Administrative Law Judge that technical requirements for issuance of permit had been met and Glen Springs Preservation Association had failed to establish standing for the filing of the Petition.

The permit adoption by SJRWMD is scheduled for March 11 or 12, 2002, as per the attached notification from SJRWMD attached as Exhibit "B".

As you can see, over six (6) months has been consumed by the Administrative Law procedure. The applicants, Luther Blake and Irene Caudle, have diligently pursued the final or conditional plat approval. The final Plats will be presented to the City the week of February 23, 2002, and construction drawings have been already submitted.

Tom Saunders
February 25, 2002
Page 3

Please place this matter on the March 25, 2002 Commission Agenda.

Sincerely yours,



Ronald A. Carpenter

RAC/bw

Enclosures

cc: Cotton Fletcher (by fax)

1 WHEREAS, Public Hearings were held pursuant to the published and mailed notices
2 described at which hearings the parties in interest and all others had an opportunity to be and were,
3 in fact, heard.

4 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
5 CITY OF GAINESVILLE, FLORIDA:

6 Section 1. The following described property is rezoned from "RSF-1: 3.5
7 units/acre single-family residential district" to "Planned Development District";

8 See Exhibit "A" attached hereto and made a
9 part hereof as if set forth in full.
10

11 Section 2. The City Manager or designee is authorized and directed to make the
12 necessary change in the Zoning Map Atlas to comply with this Ordinance.

13 Section 3. The Development Plan attached to this Ordinance which consists of
14 the following:

- 15 1. the development plan report entitled "Walnut Creek Planned
16 Development", dated September 28, 2000, attached and identified as Exhibit "B";
17 and
- 18 2. development plan maps consisting of 8 sheets: 1) "Legal Description", dated July
19 25, 2000, revised September 28, 2000; 2) Boundary Survey and Minor Subdivision, Book
20 22 Page 33, dated June 28, 2000; 3) "Surrounding Area", revised August 22, 2000; 4)
21 "Planned Development Map" revised August 22, 2000; 5) "Pedestrian Circulation",
22 revised July 25, 2000; 6) "Traffic Circulation", revised July 25, 2000; 7) "Soils Map",
23 revised July 25, 2000; and 8) "Topographical and Tree Survey", revised August 21, 2000;

1 identified as Exhibit "C"; are incorporated and made a part of this Ordinance as if set
2 forth in full. The terms, conditions, and limitations of the Development Plan shall
3 regulate the use and development of the land described herein zoned to the category of
4 Planned Development District as provided in Chapter 30, Land Development Code of the
5 City of Gainesville (hereinafter referred to as "Land Development Code"). In the event of
6 conflict between the provisions of the development plan report (Exhibit "B") and the
7 development plan maps (Exhibit "C"), the provisions, regulations, and restrictions of the
8 development plan maps (Exhibit "C") shall govern and prevail.

9 Section 4. The following additional conditions, restrictions and regulations shall apply to
10 the development and use of the land:

- 11 1. A maximum of 138 single-family dwelling units shall be permitted in the Planned
12 Development.
- 13 2. The common areas, stormwater basins, roadway configuration, alleys, lot configurations
14 and building setbacks shall be designed to maximize the preservation of heritage trees as
15 identified on Sheet 4 of Exhibit "C". In areas where heritage trees are located, lot lines
16 shall be varied as necessary in order to arrange the building envelopes to avoid heritage
17 trees. The City arborist shall inspect the lot, roadway, and stormwater basin configuration
18 in the field prior to design plat and final plat approval. These inspections shall be to
19 determine that the trees shown on the "Arborist Tree Evaluation & Gopher Tortoise
20 Map", Exhibit "D" have been arranged as close to lot lines as possible in order to be
21 outside the building envelopes, and that trees are protected by the proposed grading and
22 paving plan. No lot shall be less than 36 feet in width.
- 23 3. There shall be no exceptions to Table 600 "Fire Resistance Ratings" of the Standard
24 Building Code, nor shall any portion of a building overhang any property line.
- 25 4. A driveway connection from Parcel B to Parcel C may be constructed in accordance with
26 the easement shown on Sheet 2 of Exhibit "C". No access to Parcel D is required from
27 within the planned development.
- 28 5. A design plat shall be adopted within one year from the adoption of approval of the
29 planned development ordinance. A final plat or conditional plat shall be adopted within
30
31
32
33

1 one year of the approval of the design plat. A one year extension from this time limit may
2 be granted by the city commission upon application filed by the owner/petitioner prior to
3 the expiration of the one year period and upon good cause shown by the owner/petitioner.

4 The design plat and final plat process shall implement requirements. All proposed
5 streets shall be dedicated to the City of Gainesville as right-of-way on the subdivision
6 plat. Bonds for public improvements shall be in accordance with § 30-186 of the Land
7 Development Code. The owner/developer shall dedicate an easement over, across and
8 through the alleys in the development for emergency access, maintenance of public
9 utilities and garbage collection. (See Sheet 3 of Exhibit "C".) All public roadways
10 shown on the PD Layout Plan, Sheet 3 of Exhibit "C" shall be fully constructed and
11 accepted by the City within 18 months from final or conditional plat approval of any part
12 of the proposed planned development.
13

- 14 6. Prior to any development on the site a gopher tortoise mitigation plan shall be approved
15 by the Florida Fish and Wildlife Conservation Commission and submitted to the
16 Community Development Director.
17
- 18 7. Prior to final plat approval the owner/developer shall enter into a development agreement
19 or contract with the City for the provision of the standards acceptable to the Departments
20 of Community Development and Public Works, as provided in Policy 1.1.6 of the
21 Concurrency Management Element of the City of Gainesville Comprehensive Plan.
22
- 23 8. A homeowner's association shall be formed by owner/developer and the association
24 documents shall provide for the maintenance of the common areas and fences (see
25 paragraph 14) by the property owners. The documents shall be reviewed by the City
26 Attorney to determine whether the maintenance of the common areas is adequately
27 provided. The common area shall consist of all areas labeled as common area on the
28 Planned Development Map, including all alleys. (See Sheet 4 of Exhibit "C".)
29
- 30 9. There shall be three roadway connections from the Planned Development to existing
31 public streets, as shown on Sheet 6 of Exhibit "C", more specifically described as
32 follows:
33
- 34 a. A new intersection with Northwest 39th Avenue, approximately 420 feet from the
35 northeast corner of the subject property;
 - 36 b. a new intersection with Northwest 31st Boulevard, approximately 100 feet from
37 the southeast corner of the subject property; and
 - 38 c. a continuation of the Northwest 27th Street at the northern end of the Hidden Pines
39 development.
40
41
42

- 1 10. All public streets within the planned development shall be designed with travel lanes 10
 2 feet in width and sidewalks shall be 5 feet in width with a 5 feet landscape strip on both
 3 sides of the streets. Parking lanes shall be on two sides of each 60 foot roadway (32 feet
 4 paved width plus curb and gutter) and one side of each 50 foot roadway (26 feet paved
 5 width, plus curb and gutter), as shown on Sheet 6 of Exhibit "C".
 6
- 7 11. For each two lots, if practicable, driveways serving the lots shall be at the common
 8 property line or separated by a maximum of 2 feet in order to maximize on-street parking
 9 area.
 10
- 11 12. The transition from entry roadway to roadway with on-street parking shall be curbed in
 12 order to provide protected areas for on-street parking.
 13
- 14 13. The planned development shall be governed by the following design requirements:
 15
 - 16 a. At least seventy percent of the homes shall have front porches. Front porches
 17 shall be a minimum of 8 feet in depth.
 - 18 b. Garages, which are accessed from the front, shall set back a minimum of 20 feet
 19 to the rear of the front porch or the front facade of the house, whichever is closer
 20 to the street. All other garages shall be accessed from the alley.
 21
 - 22 c. Houses shall be of a traditional design, with gabled roof, or hip roof. Windows
 23 and window subdivisions (lights) shall be rectangular with vertical proportion.
 24 Additionally, windows may be circular, rounded top or hexagonal.
 25
 - 26 d. Homes will have brick, stone, wood, stucco, textured concrete, fiber cement, or
 27 cement-impregnated siding on exteriors walls.
 28
- 29 14. Additional alleys may be allowed as part of the design plat approval process. Alleys that
 30 abut property outside the planned development shall have a 6 ft. pressure treated fence
 31 along such alley except where such 6 ft. pressure treated fence currently exists on an
 32 adjacent property line. The homeowner association shall maintain in good condition said
 33 and add additional fencing, if any of the existing fences are removed or dilapidated, in
 34 order to maintain a continuous unbroken line of fence along the alley.
 35
- 36 15. Except as expressly provided herein, the use, regulations and development of the property
 37 shall be governed as if this land were zoned "RSF-1: 3.5 units/acre single-family residential
 38 district", Land Development Code.
 39

40 Section 5. Any person who violates any of the provisions of this ordinance shall be
 41

42 deemed guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as


1 provided by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or
2 continues, regardless of whether such violation is ultimately abated or corrected, shall constitute
3 a separate offense.

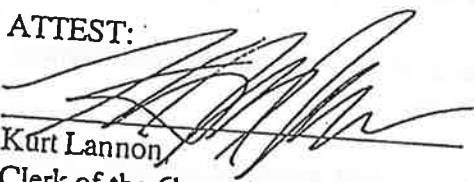
4 Section 6. If any section, sentence, clause or phrase of this ordinance is held to be invalid
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
6 the validity of the remaining portions of this ordinance.

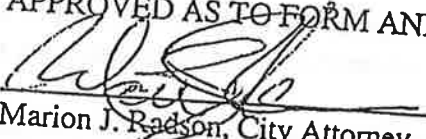
7 Section 7. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
8 such conflict hereby repealed.

9 Section 8. This ordinance shall become effective immediately upon final adoption.
10

11 PASSED AND ADOPTED this 9th day of October, 2000.

12
13
14 
15 Paula M. DeLaney, Mayor

16 ATTEST:
17 
18 Kurt Lannon
19 Clerk of the Commission

20 APPROVED AS TO FORM AND LEGALITY:
21 
22 Marion J. Radson, City Attorney

OCT 11 2000

23 This ordinance passed on first reading this 25th day of September,
24 2000.

25 This ordinance passed on second reading this 9th day of October,
2000.

LEGAL DESCRIPTION

PARCEL "C"

A TRACT OF LAND SITUATED IN SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE AFOREMENTIONED SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST FOR THE POINT OF REFERENCE AND RUN S.00°57'04"E., ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 50.15 FEET TO THE SOUTH RIGHT OF WAY LINE OF N.W. 39th AVENUE (100 FOOT RIGHT OF WAY); THENCE RUN N.89°34'14"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 440.13 FEET TO A CONCRETE MONUMENT (STAMPED PRM LS #3784) AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE N.89°34'14"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 880.35 FEET TO A CONCRETE MONUMENT (STAMPED: PRM L.S. #3784) AT THE NORTHWEST CORNER OF PALM GROVE SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "T", PAGE 52 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN S.00°56'22"E., ALONG THE WEST LINE OF SAID PALM GROVE SUBDIVISION, A DISTANCE OF 1003.31 FEET TO A CONCRETE MONUMENT (STAMPED: PRM PLS #4788) AT THE SOUTHWEST CORNER OF SAID PALM GROVE SUBDIVISION ALSO BEING THE NORTHWEST CORNER OF PALM GROVE PHASE 2 A SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "U", PAGE 47 OF SAID PUBLIC RECORDS; THENCE RUN S.00°59'33"E., ALONG THE WEST LINE OF SAID PALM GROVE PHASE 2 AND ALONG A SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 1524.14 FEET TO A CONCRETE MONUMENT (STAMPED: PRM PLS #4788) ON THE NORTH RIGHT OF WAY LINE OF N.W. 31st AVENUE (100 FOOT RIGHT OF WAY); THENCE RUN S.89°35'16"W., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 150.01 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN N.00°59'33"W., A DISTANCE OF 225.01 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN S.89°35'16"W., A DISTANCE OF 246.28 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN N.01°00'31"W., ALONG THE SOUTHERLY PROJECTION OF THE EAST LINE OF HIDDEN PINES SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "H", PAGE 63 AND ALONG SAID EAST LINE, A DISTANCE OF 1561.80 FEET TO A CONCRETE MONUMENT (NO IDENTIFICATION) AT THE NORTHEAST CORNER OF LOT 74 OF SAID HIDDEN PINES SUBDIVISION; THENCE RUN S.89°30'39"W., ALONG THE NORTH LINE OF SAID HIDDEN PINES SUBDIVISION, A DISTANCE OF 490.57 FEET TO STEEL ROD AND CAP (STAMPED: L.B. #6578) AT THE NORTHEAST CORNER OF LOT 1 OF SAID HIDDEN PINES SUBDIVISION; THENCE RUN N.00°22'59"W., A DISTANCE OF 741.01 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 30.021 ACRES MORE OR LESS.



CAMEO DEVELOPMENT

CORPORATION

3600 NW 43rd St., Suite C-1
Gainesville, Florida 32606-8127

September 28, 2000

Walnut Creek Planned Development

Purpose and Intent

This proposed Residential Planned Development (PD) is submitted as a neo-traditional neighborhood development of single family detached homes. The development follows the guidelines set forth in the Land Development Code under Sections 30-211, 30-213, and 30-216. The development will be named Walnut Creek and is in conformance with the current comprehensive plan which proposes unique designs that are not currently available in the Gainesville area. The majority of the homes will be directly across from each other to offer a more traditional neighborhood theme. This concept will provide moderately priced homes with brick and stucco exteriors and modern elevations with approximately 70% of the homes having front porches with a minimum depth of 8 feet that will be oriented to the neighborhood tree lined streets and approximately 60% with rear alley access. Garages, which are accessed from the front, shall be set back a minimum of 20 feet to the rear of the front porch or the front façade of the house, whichever is closer to the street. All other garages shall be accessed from the alley. Trees will also be planted along sidewalks to compliment the existing heritage oaks to further enhance the appearance. There will be residences that have on street parking; however, most of the homes will access their garages from the rear to further eliminate congestion of vehicles. Common areas have been carefully positioned to further preserve tree canopies and road layouts.

- A. We have addressed the efforts of tree preservation by varying the lot widths and depths by overlaying the trees on the site plan. The lot sizes and setbacks are as follows:

Lot Widths	36 Feet to 40 Feet	Above 40 Feet
Minimum yard setback:		
Front	10 Feet	10 Feet
Side	3.5 Feet	4 Feet
Rear	10 Feet	10 Feet
Minimum lot depth	100 Feet	100 Feet

- B. The subdivision plat submittal will address the regulated trees and any additional buffers and preservation.
- C. A minimum lot dimension would be 36' x 100'.

Concurrency

Walnut Creek development meets the Concurrency requirements of the newly adopted Transportation Concurrency Exception Area (TCEA) and will fund the eight (8) mitigation requirements as set forth in The Concurrency Management Element Goals, Objectives and Policies under policy 1.1.6 items (A through W).

Internal Compatibility

Each home will have a garage that is accessible from the front street or a rear alley way. Alleys have been designed with a 20' width of which there will be a 10' asphalt roadway and a 5' clear area on the side abutting the homesites. Alleys will have one way traffic and have accommodated the turn radius for the trash pick up vehicles. A 6-foot pressure treated fence shall buffer alleys from any adjacent residential lots that are not within the planned development. The design of alleys will maximize the preservation of trees along the boundaries of the PD. On street parking is proposed and one-way traffic in the alley ways will be necessary to allow for safety and positive flow patterns through alleys and rear access to homes. Two lane traffic will provide the main circulation from NW 39th Avenue to NW 31st Avenue by way of 60' right-of-way. There is also a connection of two-way traffic from NW 39th Avenue to the Hidden Pines Subdivision on NW 27th Street. Residents from surrounding subdivisions can enjoy bicycle and pedestrian access to common areas and improvements through the internal roadway and sidewalk system. The main entrances at NW 39th Avenue and NW 31st Avenue will be professionally planned, landscaped, and maintained so as to maintain consistency with the adjacent communities.

External Compatibility

Mass Transit services will be provided by the City of Gainesville's Regional Transit System (RTS) by means of Route 8 via NW 39th Avenue. RTS has an existing transfer station in front of the proposed Walnut Creek which will provide easy accessibility for residents to utilize mass transit services. This route has ample capacity to accommodate the new residents within this development. The developer also proposes the construction of a new bus shelter at NW 39th Avenue as part of the TCEA mitigation requirements.

Intensity of development

The proposed Walnut Creek site development recommendation of 4.6DU/Acre is consistent with the comprehensive plan and is in line with the neo-traditional concept of an in-fill project. This project will reduce the pressures of urban sprawl by providing urban in-fill development and increase urban connectivity between NW 39th Avenue and NW 31st Avenue and is compatible with the surrounding neighborhoods.

Common Area

Walnut Creek is located across NW 39th Avenue from the city's Spring Tree Park and approximately six tenths of a mile east of the city's Green Tree Park. In addition, the proposed open space and recreation areas will be available to the adjacent neighborhoods by pedestrian

sidewalks and streets within its property lines. Large heritage oak trees are abundant on the property and the developer will be utilizing its best efforts of preservation for lot coverage, streetscapes, landscape buffering and open-space recreational area canopies.

Environmental constraints

The heritage trees have been identified and overlaid on the site plan. All roadways have been carefully designed in an attempt to save trees and capitalize on their beauty. We have noted on the plans that the lot designs and right of ways will address the preservation of all tree canopies where necessary. All lots directly adjacent to the Hidden Pines subdivision will have minimum 60' width. The proposed PD has a linear retention pond separating Hidden Pines and any adjoining lots. The proposed PD will have a fence and landscape buffering wherever the alleys abut adjoining properties. Also we will maximize all existing foliage to further enhance the development. Walnut Creek is not in a Flood Zone and none exists on the site. The surface water and wetlands district are not affected by the proposed development and the development is not located near or within a nature park, greenway, wellfield or wetland district. The soil composition make up is consistent with millhopper sand, wachula sand, and arrendondo fine sands.

Arrendondo sand is found in nearly level to gently sloping upland areas with 0 to 5 percent gradients. It is well drained soil with a rapid permeability rate in the surface and subsurface layers. Moderately rapid in the upper six inches of the subsoil. The water table is at a depth of more than 72 inches.

Millhopper sand is found in gently sloping areas with a 0 to 5 percent gradient. It is moderately well drained soil with a permeability rate in the surface and subsurface layers. Moderately rapid in the upper six inches of subsoil and slow to moderately slow below this depth. The water table is at a depth of 40 to 60 inches for one to four months and at a depth of 60 to 72 inches for two to four months during the year.

Wachula sand is found nearly level. Poorly drained soil is in broad areas of the flatwoods. Slopes are nearly smooth and range from 0 to 2 percent. This soil has a water table that is at a depth of less than 10 inches for one to four months and is at a depth of 10 to 40 inches for about six months. During the driest seasons the water table recedes to a depth of more than 40 inches. Permeability is moderately rapid to rapid in the surface and subsurface layers. Moderate to moderately rapid in the upper part of the subsoil and slow to moderately slow in the upper part. The slope on the site ranges from zero to .66% with an average off .36%.

There are no lakes, creeks, wetlands, or other prominent topographic features on the site. The storm water drainage systems are being designed to consist of a system of dry retention basins designed to meet the requirements and standards of the City of Gainesville and the St. Johns River Water Management District. The existing topography of the site consists of very gently sloping land towards the western boundary where the basins will be located and the seasonal high ground water table should not impact the design of the system. The collection of all surface water run off will be contained on the site.

External and Internal Transportation access

Walnut Creek has three access points. The main entrances at the north boundary from NW 39th Avenue approximately 420 feet from then northeast corner of property line. The secondary access point is at the southern most boundary off NW 31st Avenue approximately 100 feet from the southeast corner of the property. The third access point is located at the northern boundary of the Hidden Pines Subdivision of NW 27th Street. Walnut Creek's layout will have approximately 138 single family detached dwelling units that will generate 1388 Average Daily Trips (ADT).



CITY OF GAINESVILLE

Department of Community Development

October 25, 2000

RE: Petition 142SUB-00 DB

Waldemar F. Kissel, agent for Luther F. Blake, Jr. and Irene Blake Caudle. Design plat review of Walnut Creek Subdivision, 125 lots on 30.02 acres MOL. Zoned: PD (planned development district). Located in the vicinity of the 2600 block, between NW 31st and 39th Avenues.

The Department of Community Development has received a design plat for property within 400 feet of your property, which will be heard by the Development Review Board on Thursday, November 9, 2000 at 6:30 p.m. in the City Hall Auditorium, First Floor, 200 East University Avenue, Gainesville, Florida. This notice has been mailed to you because the development proposal for this petition is located within 400 feet of property you own according to the latest tax roll available to the City. If you received this notice in error, or if you no longer own the property, please forward this notice to the current owner.

If the petition is not continued by the Development Review Board the petition will be heard by the City Commission on Monday, December 11, 2000 at 6:00 p.m. in the City Hall Auditorium, First Floor, 200 East University Avenue, Gainesville, Florida.

You may view the plan at the first floor counter of the Planning Division, Thomas Center Building B, 306 NE 6th Avenue, Gainesville, Florida, or you may attend the meeting.

Persons with disabilities who require assistance to participate in the meeting are requested to notify the Equal Opportunity Department at 334-5051 at least 48 hours prior to the meeting date.

Planning Division

P.O. Box 490 • Gainesville, FL 32602-0490

(352) 334-5023 • FAX (352) 334-3259

**DEPARTMENTAL DEVELOPMENT PLAN REVIEW
 MEETING SCHEDULE
 2000 - 2001**

Application Cut-off Date - 11:00 a.m. (WEDS. unless noted)	Technical Review Board Meetings* Start at 9:00 a.m. (TUES. unless noted)	Corrected Plans by Petitioner - 11:00 a.m. (TUES. unless noted)	Development Review Board Meeting - 6:30 p.m. (THURS. unless noted)
Sept. 13, 2000	Sept. 26, 2000	Oct. 3, 2000	Oct. 12, 2000
Oct. 11, 2000	Oct. 24, 2000	Oct. 31, 2000	Nov. 9, 2000
Nov. 13, 2000 (MON)	Nov. 28, 2000	Dec. 5, 2000	Dec. 14, 2000
Dec. 13, 2000	Dec. 22, 2000 (FRI)	Jan. 2, 2001	Jan. 11, 2001
Jan. 10, 2001	Jan. 23, 2001	Jan. 30, 2001	Feb. 8, 2001
Feb. 7, 2001	Feb. 20, 2001	Feb. 27, 2001	Mar. 8, 2001
Mar. 12, 2001 (MON)	Mar. 27, 2001	Apr. 3, 2001	Apr. 12, 2001
Apr. 11, 2001	Apr. 24, 2001	May 1, 2001	May 10, 2001
May 14, 2001 (MON)	May 29, 2001	June 5, 2001	June 14, 2001
June 13, 2001	June 26, 2001	July 2, 2001 (MON)	July 12, 2001
July 11, 2001	July 24, 2001	July 31, 2001	Aug. 9, 2001
Aug. 13, 2001 (MON)	Aug. 28, 2001	Sept. 4, 2001	Sept. 13, 2001
Sept. 12, 2001	Sept. 25, 2001	Oct. 2, 2001	Oct. 11, 2001

*The actual time of individual petitioner's meeting with the Technical Review Board will be indicated on the comment sheet.

If at any time during the development plan review process, the petitioner is requested to resubmit corrected development plans, these resubmissions must be **COMPLETE SETS OF PLANS**, regardless of the number of pages actually requiring corrections.

NOTE: Petitions for Planned Development Amendments, Planned Developments, Public Service Zoning and Special Use Permit with Development Plan Review in addition to Street Vacation petitions must submit plans under the **DEVELOPMENT PLAN APPLICATION CUT-OFF DATE SCHEDULE**, but are acted upon by the City Plan Board at their regular public hearing.



St. Johns River Water Management District

Kirby B. Green III, Executive Director • John R. Wahle, Assistant Executive Director

Post Office Box 1429 • Palatka, FL 32178-1429 • (386) 329-4500

February 20, 2002

Via Facsimile & Mail to:

Samuel A. Mutch
Mutch & Brigham, P.A.
2114 NW 40th Terrace
Suite A-1,
Gainesville, Florida 32605
Via - Facsimile Transmission (352) 378-3388

Jennifer B. Springfield, Esquire
Charles A. Lobdell, III, Esquire
St. Johns River Water Management
District
P. O. Box 4049
Palatka, FL 32178-4049

Ronald A. Carpenter, Esquire
Carpenter & Parrish, P.A.
5608 Northwest 43rd Street
Gainesville, Fl 32653-8334
Via - Facsimile Transmission (352) 373-1114

**RE: Glen Springs Preservation Association,
Inc., and Elizabeth T. Furlow v. Luther
E. Blake, Jr.; Irene Blake Caudle; and St. Johns River
Water Management District
DOAH Case No.: 01-3798; SJR FOR No. 2001-119**

Dear Parties:

The Recommended Order for the above-referenced case was entered on February 14, 2002, and received by this agency on February 19. I will be preparing the Proposed Final Order and will be presenting this matter to the Governing Board. During this proceeding, I will be serving as the Governing Board's advisor. I will not be representing the District staff's position. The Governing Board is free to accept my advice, or to take any other action allowed under Chapter 120, *Florida Statutes*.

GOVERNING BOARD

Duane Ottenstroer, CHAIRMAN JACKSONVILLE	Ometrias D. Long, VICE CHAIRMAN APOPKA	R. Clay Albright, SECRETARY EAST LAKE WEIR	David G. Graham, TREASURER JACKSONVILLE
W. Michael Branch FERNANDINA BEACH	Jeff K. Jennings MATLAND	William Kerr MELBOURNE BEACH	Ann T. Moore BUNNELL
			Catherine A. Walker ALTAMONTE SPRINGS

Any Exceptions to the Recommended Order must be filed with the District Clerk at District Headquarters in Palatka no later than the end of business (5:00 p.m.) on March 1, 2002. *Section 120.57(1)(k), Florida Statutes, and Chapter 28-106.217, Florida Administrative Code.* Responses to exceptions must be filed with the District Clerk no later than 5:00 p.m. on March 11, 2002. No additional time can be added to the time limits for filing exceptions or responses to exceptions when service has been made by mail. *Chapter 28-106.217, Florida Administrative Code.* Please be advised that the District does not accept for filing pleadings delivered by facsimile or other electronic transmission.

In considering exceptions to findings of fact, the Governing Board must comply with section 120.57(1)(j), Florida Statutes, which provides that an agency may only reject the ALJ's findings of fact when it determines after a review of the complete record that there is no competent substantial evidence to support the finding of fact or that the proceedings on which the finding was based did not comply with the essential requirements of law. With regard to conclusions of law over which it has an agency to reject or modify only those conclusions of law over which it has substantive jurisdiction and interpretation of administrative rules over which it has substantive jurisdiction. Should you choose to file exceptions, please keep these legal standards in mind.

Consideration of the Final Order in this case has been scheduled for the Governing Board meeting on Tuesday, March 12, 2002, although it is possible that it will be considered during the Wednesday, March 13, 2002 meeting. Because Final Order does not have a specific time-certain scheduled, it will be considered sometime during these meetings at District Headquarters, Executive Building (two story), Highway 100 West, in Palatka, commencing at 1:00 p.m. on Tuesday, March 12. I will notify you should a specific "time-certain" be established.

The District has no specific rules regarding the presentation of oral argument on Exceptions to the Recommended Order. Therefore, should any party file exceptions, I would suggest that the parties jointly agree on a proposed procedure (i.e. limited time frame and order of presentation) in which to make a brief oral argument to the Board on any exceptions filed and submit to your proposal to me by March 8. If an agreement cannot be reached, I will recommend to the Board a procedure to follow regarding arguments on exceptions.

I would remind the parties that Section 120.66, Florida Statutes, restricts communication with members of the Governing Board (agency head) in the period between issuance of the Recommended Order and entry by the Board of a Final Order.

If you have any questions, you may contact me at (386) 329-4314.

Very truly yours,

A handwritten signature in black ink, appearing to read "Bill Congdon", with a long horizontal flourish extending to the right.

William H. Congdon
Deputy General Counsel
Office of General Counsel

WHC/kfb

cc: Kathryn L. Mennella, Esquire

