

LEGISLATIVE #

110866E

Appendix C.

- **Supplemental Documents**
- **Current Application**
- **PD Report for Modified PD**
- **Neighborhood Meeting Documents**
- **Adopted PD Ordinance #050254 and associated documents**



APPLICATION—CITY PLAN BOARD
Planning & Development Services

OFFICE USE ONLY	
Petition No. <u>PB-12-8</u>	Fee: \$ <u>1337.25</u>
1 st Step Mtg Date: _____	EZ Fee: \$ <u>—</u>
Tax Map No. _____	Receipt No. _____
Account No. 001-670-6710-3401 []	
Account No. 001-670-6710-1124 (Enterprise Zone) []	
Account No. 001-670-6710-1125 (Enterprise Zone Credit) []	

Owner(s) of Record (please print)
Name: <u>LOS Volcanes INC (Alberto Roman)</u>
Address: <u>4405 NW 39th AVE</u> <u>Gainesville FL 32606</u>
Cell: <u>352-514-3313</u>
Phone: <u>374-6649</u> Fax: _____
(Additional owners may be listed at end of applic.)

Applicant(s)/Agent(s), if different
Name: <u>RICARDO CAVALIARO</u>
Address: <u>22 SE FIFTH AVE</u> <u>GAINESVILLE, FL 32601</u>
Phone: <u>(352) 377175</u> Fax: _____
<u>EMAIL: RCA@RCA22.COM</u>

Note: It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.

REQUEST

Check applicable request(s) below:		
Future Land Use Map []	Zoning Map <input checked="" type="checkbox"/>	Master Flood Control Map []
Present designation: <u>PUD</u>	Present designation: <u>PD</u>	Other <input checked="" type="checkbox"/> Specify: _____
Requested designation: <u>PUD</u>	Requested designation: <u>PD</u>	<u>Amendment to DR 050054</u>

INFORMATION ON PROPERTY

1. Street address: <u>4405 NW 39th AVE</u>
2. Map no(s): <u>3543</u>
3. Tax parcel no(s): <u>06111-003-001</u>
4. Size of property: <u>1.26</u> acre(s)

All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more must be accompanied by a market analysis report.

Certified Cashier's Receipt:

PB-12-8 PDA
Las Margaritas

Phone: 352-334-5022



5. Legal description (attach as separate document, using the following guidelines):
- a. Submit on 8 ½ x 11 in. sheet of paper, separate from any other information.
 - b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser's Office, etc.
 - c. Must correctly describe the property being submitted for the petition.
 - d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340'); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. **INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES** (NOTE: *All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.*)

A. What are the existing surrounding land uses?

North RESIDENTIAL (ACROSS THE STREET)

South COMMERCIAL

East COMMERCIAL

West RESIDENTIAL

B. Are there other properties or vacant buildings within ½ mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO _____

NA

YES _____

If yes, please explain why the other properties cannot accommodate the proposed use?



Explanation of how the proposed development will contribute to the community.

THE PROPOSED PARKING ADDITION WILL PROVIDE A BETTER USE OF THE SITE BY THE CUSTOMERS

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

SECURE A BUSINESS PERFORMANCE THAT IT IS AFFECTED BY THE CURRENT PARKING SITUATION

H. What impact will the proposed change have on level of service standards?

Roadways

NA

Recreation

NA

Water and Wastewater

NA

Solid Waste NEW STORMWATER MANAGEMENT FACILITIES WILL BE ADDED FOR THE NEW PARKING AREAS

Mass Transit

NA

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO ___ YES (please explain)

THE SITE IS ACCESSIBLE BY PEDESTRIAN, TRANSIT AND BIKEPATH

C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

Residential streets NO IMPACT

Noise and lighting A NEW 6' HIGH DECORATIVE MASONRY WALL WILL BE BUILT AT THE WEST PROPERTY LINE TO PROTECT RESIDENTIAL USE ON THE WEST FROM ANY LIGHT OR NOISE

D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO [checked] YES (If yes, please explain below)

E. Does this request involve either or both of the following?

a. Property in a historic district or property containing historic structures?

NO [checked] YES

b. Property with archaeological resources deemed significant by the State?

NO [checked] YES

F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):

Redevelopment [checked]
Activity Center
Strip Commercial

Urban Infill [checked]
Urban Fringe
Traditional Neighborhood

CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name:	Los Volcanos Inc.
Address:	4405 NW 39th Ave Gainesville FL 32606
Phone:	352 374 6689
Fax:	264-8822
Signature:	


Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	

No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.



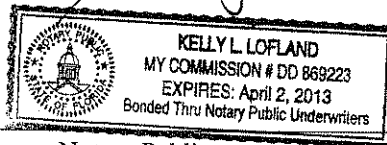
 Owner/Agent Signature

 11/11/12

 Date

STATE OF FLORIDA
COUNTY OF Alachua

Sworn to and subscribed before me this 11 day of January 2012, by (Name)
Ricardo Cavallino



Signature – Notary Public

Personally Known OR Produced Identification (Type) _____

AMENDMENT TO
PLANNED DEVELOPMENT REPORT

FOR
4405 NW 39TH AVENUE
TAX PARCEL # 06111-003-001

PROPERTY OWNER: LOS VOLCANES INC.
4405 NW 39TH AVENUE, GAINESVILLE, FLORIDA 32606
(352) 514-3313

PREPARED BY: RICARDO CAVALLINO AND ASSOCIATES INC.
22 SE FIFTH AVENUE, GAINESVILLE FLORIDA 32601
(352) 377-1751

DATE: JANUARY 10, 2012



PB-12-8 PDA
Las Margaritas

Purpose and intent of the amendment

This amendment is to revised the PD Layout Map to better reflect the existing site use and conditions along the west side of the property and to include new parking areas and underground storm water management facilities along the existing entrance drive and a new landscaped buffer and decorative masonry wall along the west property line to provide better security and privacy to the west residential areas.

The proposed amendment also includes the reconfiguration of the 39th Ave. east exit drive to reflect the approved internal east vehicular cross connection to the east commercial property allowing the development to internally connect to 43rd. Street.

The proposed PD amendment will be in conformance with the original PD proposed Land Development Regulations Sec. 30-216

Statistical information:

The proposed PD amendment does not modify the original PD Statistical Information.

Stormwater Management Plan:

The proposed PD amendment will provide a new underground stormwater management facility below the new parking areas and will comply with the current applicable City of Gainesville Land Development Code requirements and the St. Johns River Water Management District.

Design Standards:

The proposed PD amendment is consistent with the original PD design Standards.

Development Schedule:

The proposed PD amendment work will be implemented immediately after all involved approvals are completed.

Unified Signage Plan:

The proposed PD amendment will not affect the original PD requirements.

Appendix "A"

LEGAL DESCRIPTION

COM NE COR SEC W ALONG C/L SR 232 219.47FT S 62 FT TO POB S 209.78 FT W 262.01 FT
TO E LINE OF CHULA VISTA PARK N213.37 TO RW SR 232 E 261.56 FT TO POB OR
1747/1636.

www.gainesville.com

COMMISSION: Also discussed Christmas RTS service

Continued from B1
Henry said there are a number of residents who don't have cars and "really depend on this transportation to shop, to get to work, it's important in their lives."
The commission referred the matter to its Executive, Cultural Affairs and Public Works Commission, but Commissioner Todd Chase said he was interested in exploring ways to restore service for Dec. 24. Chase also went back and forth with environmental advocate Rob Brinkman, who told

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Tickets for Clinton speech on sale today

Staff report
Tickets go on sale today for former president Bill Clinton's appearance next March at the St. Augustine Amphitheatre. Clinton is scheduled to speak at 7 p.m. on March 18, 2012, with a Q&A session to follow.
Tickets go on sale today at 10 a.m. at the amphitheater and from Volusia County Hall boxes office, at ticketmaster.com or by calling 800-945-3690. Tickets for the night range from \$23 to \$83.
To learn more, go online to www.staugustine.com or www.clintonfoundation.org.

FORUM: Candidate attacks 'wasteful' spending

Continued from B1
he would streamline codes so the process is quicker but not necessarily properly, and he would restructure staff departments, saying job cuts have almost happened.
Let's say the city should have an ordinance to help people with permitting. She later said while viewing a book of the city budget, that her priority is to maintain the city's debt. "If we don't get that debt, we're not going anywhere," she said.
For that, he would like to see the fast-track permitting established for

development plan. He also said he would like to see the city have a better way to pay the utility workers. "I don't even know who Mr. Hansen is," said Chase, who added it was

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OLDRICH: Redistricting factors into his plans

Continued from B1
Oldrich said he District 8 ultimately looks like the one down by the capitol. He will run. "If it's completely different, it's a new ball game," he said.
He asked that he didn't wear his potential opponent to get a head start on him if he waited for the redistricting process to take its course. As for his goal for a role in Washington, Oldrich said he wants to not back on the role of the federal government.
"Why do we expect an upcoming program that is exclusive to Florida or Massachusetts?" he asked. "I just think it really calls for a conservative voice — a center conservative voice — to even be a small participant when we put the onus back on the right track, both locally and what our priorities are."
If elected, he said, the chairman of the Alachua County Republican Executive Committee, and he would be happy with either Staines or Oldrich in office.
"I'm always standing with the work of Chris Staines here," Staines said.
Oldrich, however, "He's been a friend for a long time. He's been a great elected official. He was a great sheriff. He's been a great senator." Staines did say having an Alachua County Republican in Congress would provide a rallying point for local Republicans.
"Having someone based over of Alachua County for any reason is something we love to have," he said.

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FAMU: Drum majors described as band's 'generals'

Continued from B1
Started in 1851 with fewer than 20 students, The Merchants' School has grown to more than 600 students and is regarded as a pioneer, pioneering at Seeger School, the University and presidential inaugurations. The band reported as the 20th anniversary of the French Revolution.
The most recent members are the drum majors, described as the generals. They are as popular on campus as the quarterback would be at another college. Florida A&M has several drum majors, including Robert Champion, who died Nov. 19 after he collapsed on a charter bus just a few hours after a football game with a rival.
Authorities have still not said how the junior died, why that band played a role. University President James Anderson referred to the student demands in a letter he sent earlier this week to the school's board of trustees, but didn't specify what they did, according to a document obtained by The Associated Press on Thursday.
According to FBI reports, Champion had died in his sixth month before he died and couldn't breathe.
"We need an ambulance ASAP" as witnesses called cops in a revealing, obtained by AP. His eyes were open but he not breathing.
Champion's death was puzzling because of his high position within the band, and because he was an upperclassman.
"There's rumors are always in the hallway to the hallway," said James Culture, who was head drum major before Champion died last year.
"Walking around campus, you have a lot of people speaking to you, saying they saw you on the field. But the people, you don't even know who they are. You have always coming up to you, you have all these people who really appreciate what you do."
The university within the band can get complex. Some members join a fraternity. Kappa Kappa Psi, founded on the campus of Oklahoma State University in 1919 to serve college band



Robert Champion Jr., left, and his wife Fern lead a procession into the funeral service for their son, Florida A&M University band member Robert Champion, on Thursday in Oklawaha, Fla. The band members were parked outside on Oklawaha Blvd. after the school's football team lost a game.

"They're students, but they really kind of take over. The staff is too much," Lawson said. "You've got to have some people to depend on to take care of 400, 500 people. As they get to senior status, they're a lot of power. These students really don't think they're doing anything wrong."

There are rules for the band as a whole, too. Chavez lives with the drum major. The drum major is responsible for the band's behavior before and after games and a weekly allowance for entertainment.
The drum major begins his first year in the band. During the summer, drum majors must be between 16 and 18 years old. Drum majors must be between 16 and 18 years old. Drum majors must be between 16 and 18 years old.

program. Incentives between leaders also would power an "anti-discrimination" within the band, according to Richard Segal, a retired sociology professor at Conway College of Mayotte in Randolph, N.J.
For example, former FAMU drum major Jerry Lachey said he was hospitalized in 1969 in order to see his son, named "The Colonel."
To perform on the field or at games, Lachey had to do whatever the other students told him to do, said Segal, who holds onto his drumsticks as a symbol of his life. Segal, who holds onto his drumsticks as a symbol of his life. Segal, who holds onto his drumsticks as a symbol of his life.

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SHOP LILIES... FREE GIFT WRAP... Sun... Public Notice

Public Notice: A neighborhood workshop will be held to discuss a proposed rezoning to mixed-use zoning in the center of the City of Las Margaritas...

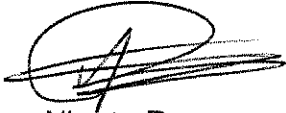
LOS VOLCANES INC.
dba: LAS MARGARITAS
4405 NW 39th Ave. Gainesville, FL 32606

January 10, 2012

LETTER OF AUTHORIZATION

We authorize Ricardo Cavallino, AIA to represent Los Volcanes Inc. in the PD amendment and Site Plan approval process before the City of Gainesville.

Sincerely,

A handwritten signature in black ink, appearing to be 'AR', enclosed within a circular scribble.

Alberto Roman
President



LAS MARGARITAS RESTAURANT – ADDITIONAL PARKING
Neighborhood Workshop – December 17, 2011
Sign in sheet

Name	Address	Phone No.
Kevin Hoyle	3815 NW 45 St	352-375-5953
Laura Hoyle	3815 NW 45 St	375-5953
Jon Wiebold	3720 NW 43 St #104	871-7975
Bill Bomberger	Kuch Foundation	377-5605
LEE Pin/Cozon	2820 NW 38 th Drive	375-7960
Harry Ward	4421 NW 39 th Ave	336-1433



1 **ORDINANCE NO. 050254**
2 **0-06-23**

3
4 **An Ordinance of the City of Gainesville, Florida;**
5 **rezoning certain lands annexed into the City, as more**
6 **specifically described in this Ordinance, and amending**
7 **the Zoning Map Atlas from the Alachua County zoning**
8 **category of "BP, business and professional" to the City**
9 **of Gainesville zoning category of "Planned**
10 **Development District"; located in the vicinity of 4405**
11 **N.W. 39th Avenue and consisting of approximately 1.26**
12 **acres; adopting a development plan report and**
13 **development plan maps; providing conditions and**
14 **restrictions; providing for enforcement and penalties;**
15 **providing a severability clause; and providing an**
16 **immediate effective date.**

17
18
19 **WHEREAS**, by initiation of a petition by the property owner, publication of notice
20 of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain
21 property annexed into the City from the Alachua County zoning category of "BP,
22 business and professional" to the City of Gainesville zoning category of "Planned
23 Development District"; and

24 **WHEREAS**, notice was given and publication made as required by law of a public hearing
25 which was then held by the City Plan Board on November 17, 2005; and

26 **WHEREAS**, notice was given and publication made of a public hearing which was then
27 held by the City Commission on December 12, 2005; and

28 **WHEREAS**, the City Commission finds that the amendment of the Planned Development
29 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

30 **WHEREAS**, at least ten (10) days notice has been given once by publication in a
31 newspaper of general circulation prior to the adoption public hearing notifying the public of this

1 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
2 City Hall, in the City of Gainesville; and

3 **WHEREAS**, pursuant to law, notice has also been given by mail to the property
4 owners whose land will be regulated by the adoption of this Ordinance and interested parties, at
5 least ten days prior to adoption of this ordinance; and

6 **WHEREAS**, Public Hearings were held pursuant to the published notices described at
7 which hearings the parties in interest and all others had an opportunity to be and were, in fact,
8 heard.

9 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**
10 **CITY OF GAINESVILLE, FLORIDA:**

11 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by
12 rezoning the following described property from the Alachua County zoning category of
13 "BP, business and professional" to the City of Gainesville zoning category of "Planned
14 Development District";

15 See Exhibit "A" attached hereto and made a
16 part hereof as if set forth in full.
17

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

20 **Section 3.** The Development Plan attached to this Ordinance, which consists of
21 the following:

22 1. the development plan report entitled "N.W. 39th Avenue Parcel 06111-
23 003-001", March 24, 2006, attached and identified as Exhibit "B"; and

1 2. development plan maps consisting of 2 sheets: 1) "Existing Conditions Map"
2 dated June 13, 2005; and 2)"PD Layout Plan Map", dated June 13, 2005;
3 identified as Exhibit "C", are incorporated and made a part of this Ordinance as if
4 set forth in full. The terms, conditions, and limitations of the Development Plan
5 shall regulate the use and development of the land described herein zoned to the
6 category of Planned Development District as provided in Chapter 30, Land
7 Development Code of the City of Gainesville (hereinafter referred to as "Land
8 Development Code"). In the event of conflict between the provisions of the
9 development plan report (Exhibit "B") and the development plan maps (Exhibit
10 "C"), the provisions, regulations, and restrictions of the development plan maps
11 (Exhibit "C") shall govern and prevail.

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

- 14 1. The list of uses permitted by right are those uses listed in Exhibit D.
- 15 2. Maximum gross square footage shall not exceed 10,000 square feet and the
16 maximum lot coverage shall not exceed 60%.
- 17 3. The owner/developer shall apply and have issued by the City a final Certificate of
18 Concurrency before a building permit can be issued for any development on this
19 property.
- 20 4. During development plan review, the relationship between the proposed vehicular
21 use area and pedestrian circulation areas shall be defined, subject to approval by the
22 development review board.

- 1 5. The development should include landscaping on the west side of the property to
2 achieve a compatible relationship between the building, access way, and adjacent
3 residential and pedestrian walkways, subject to approval by the development review
4 board.
- 5 6. No outdoor use or activity, such as outdoor cafes, shall be permitted or allowed on
6 the west side of the building.
- 7 7. The only uses permitted or allowed listed in the OF zoning district are those uses on
8 the west side of the development, and the development shall be consistent with
9 these uses, subject to approval by the development review board.
- 10 8. No automobile drive-through lanes are allowed on the west side of the building.
11 Drive-through lanes, if permitted by Special Use Permit, shall be located to the
12 south or east side of the building.
- 13 9. All mechanical equipment shall be placed to the south and east side of the building,
14 or mounted on the roof of the building(s).
- 15 10. The development shall have an architectural façade reflecting a strong orientation
16 towards Northwest 39th Avenue, subject to approval by the development review
17 board.
- 18 11. If the building is painted, the building color scheme shall be encouraged to comply
19 with the City of Gainesville Advisory Color Guidelines, subject to approval by
20 Development Review Board.
- 21 12. Only one freestanding monument sign shall be allowed for the development, up to a
22 maximum of 48 square feet and ten feet in height. All other regulations of the Land

1 Development Code pertaining to signs shall apply. Electronic signs shall be
2 prohibited. Signage shall not be back lit or neon.

3 13. Along the west property line the owner/developer shall construct a textured masonry
4 wall that will deflect lights from vehicles operating on the property after daylight
5 hours. Alternatively, landscaping providing a demonstrated opacity of 90% within
6 two years of planted may be used to achieve the same proposed screening, subject to
7 approval by the development review board.

8 14. The PD Layout Plan (Exhibit "C") will be modified to accommodate the landscape
9 and pedestrian use areas, subject to approval by the Development Review Board.

10 15. One vehicular access point is allowed off Northwest 39th Avenue, which is the
11 existing access to the property. A joint use access with the property located
12 immediately to the east may be allowed, subject to approval by the City Manager or
13 designee, and the Florida Department of Transportation.

14 16. The owner/developer has offered to obtain a cross access easement with the adjacent
15 property owners so that connectivity may be provided to the adjacent property to the
16 east in a manner that allows egress access onto Northwest 43rd Street.

17 17. During development plan review, the city requires the owner/developer to provide
18 an analysis of the proposed development in terms of its traffic impact on the existing
19 roadway and traffic signalization patterns. The analysis shall be performed by a
20 licensed, qualified professional traffic engineer registered in the State of Florida.

21 The owner/developer shall be required to make any road traffic improvements

1 necessary to meet concurrency and support the impacts of the development on the
2 public roadway system.

3 18. If it is determined during site plan review by the Regional Transit System that a bus
4 shelter is required to serve the development, the owner/developer shall construct
5 same on the subject property at its own cost and expense. The shelter shall be
6 constructed consistent with the character and architecture of the proposed
7 development.

8 19. Off-street parking shall meet the requirements of the Land Development Code, and
9 off-street parking is limited to the vehicular use area as shown on the PD Layout
10 Plan Map (See Exhibit "C").

11 20. Sidewalks to serve the development shall be constructed and maintained by the
12 owner/developer to connect the adjacent developments located to the west, east and
13 south of this development.

14 21. Along Northwest 39th Avenue, building setbacks shall be established during
15 development plan review so as to allow tree planting, a street entrance to the
16 building and building front orientation along N.W. 39th Avenue.

17 22. The development shall provide sidewalks that meet code specifications along
18 property boundaries, adjacent to driveways and roadways. Existing sidewalks that
19 are deficient or deteriorated shall be upgraded to current standards at the sole cost
20 and expense of the owner/developer.

21 23. The owner/developer shall apply and obtain preliminary development plan approval
22 for this development within two years from the date of final adoption of this

1 ordinance. Final development plan approval must be obtained within one year of
2 obtaining preliminary development approval from the development review board.
3 A construction schedule shall be adopted during development plan review by the
4 development review board. Application for a building permit must be filed within
5 one year of obtaining a final development order. Construction must commence no
6 later than one year after obtaining a final development order, or one year after
7 receiving a building permit, whichever event is later. Failure to strictly conform to
8 the aforesaid time periods shall cause the development order approval by the
9 adoption of this ordinance to become null and void and of no further force and
10 effect.

- 11 24. The City Commission may approve a one-time, one-year extension to the aforesaid
12 time period provided the owner/developer applies for such extension in writing prior
13 to the expiration of any such period and show good cause for any extensions. Any
14 extension of a time period shall be granted or denied in the sole discretion of the city
15 commission.

16 **Section 5.** If it is determined by the City Manager that a violation of this Ordinance exists,
17 the City Manager may issue and deliver an order to cease and desist from such violation to correct a
18 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The
19 City Manager, through the City Attorney, may seek an injunction in a court of competent
20 jurisdiction and seek any other remedy available at law.

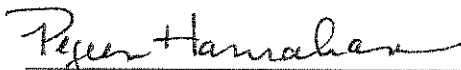
21 **Section 6.** Any person who violates any of the provisions of this ordinance shall be deemed
22 guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as provided

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

4 **Section 7.** 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 8.** This ordinance shall become effective immediately upon final adoption;
8 however, the rezoning shall not become effective until the amendment to the City of Gainesville
9 2000-2010 Comprehensive Plan adopted by Ordinance No. 050253 becomes effective as
10 provided therein.

11 **PASSED AND ADOPTED** this 24 day of July, 2006.

12
13 
14 _____
15 Pegeen Hanrahan, Mayor

16
17 ATTEST:

18 APPROVED AS TO FORM AND LEGALITY:

19
20 
21 _____
22 Kurt Lannon,
23 Clerk of the Commission

24
25 
26 _____
27 Marion J. Radson, City Attorney
28 JUL 25 2006

29 This ordinance passed on first reading this 10th day of July, 2006.

This ordinance passed on second reading this 24th day of July, 2006.

H:\Marion Radson\Planning\111PDV-05PB pet.doc

EXHIBIT "A"

LEGAL DESCRIPTION (per OR Book 1747 Page 1637)

A parcel of land located in the Northeast one-quarter of Section 27, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Commence at a found case-hardened nail marking the intersection of the centerline of County Road No. 232 with the centerline of State Road No. 222 as per Florida Department of Transportation right of way map for State Road No. 222, Section 26005-2519, thence South 89 deg. 04 min 10 sec. West along the centerline of State Road No. 222 (N.W. 39th Avenue) a distance of 219.47 feet; thence South 00 deg. 58 min. 15 sec. East a distance of 62.00 feet to a set iron pin (#3524), marking the intersection with the South right of way line of State Road No. 222 and the Point of Beginning; thence continue South 00 deg. 58 min. 15 sec. East a distance of 209.78 feet to a set iron pin (#3524), thence South 89 deg. 04 min. 10 sec. West a distance of 262.01 feet to a set iron pin (#3524), marking the intersection with the East line of Chula Vista Park as recorded in Plat Book "G", page 67, of the Public Records of Alachua County, Florida, thence North 00 deg. 49 min. 08 sec. West along said East line a distance of 213.37 feet to a set iron pin (#3524), marking the intersection with the South right of way line of State Road No. 222; thence South 87 deg. 02 min. 50 sec. East along said line a distance of 53.02 feet to a set iron pin (#3524); thence North 89 deg. 04 min. 10 sec. East along said line a distance of 208.54 feet to the Point of Beginning, containing 1.26 acres, more or less.

PLANNED DEVELOPMENT PLAN REPORT

for

NW 39th Avenue Parcel
Tax Parcel 06111-003-001

Property Owner: *Santa Fe Business Park*
300 SW 143rd Street
Jonesville, Florida 32669
(352) 332-2600

Developer: *Santa Fe Business Park*
300 SW 143rd Street
Jonesville, Florida 32669
(352) 332-2700

Prepared by: *Causseaux & Ellington, Inc.*
6011 NW 1st Place
Gainesville, Florida 32607
(352) 331-1976

Date: *March 24, 2006*

EXHIBIT "B"

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Purpose and Intent of Development

The purpose and intent of the project development is to develop the 1.26 acre parcel with uses that serve the adjacent neighborhoods, the pass-by travelers on NW 39th Avenue and NW 43rd Street (both 4-lane roadways) and the adjacent non-residential uses (banks and offices). Accordingly, the permitted uses are similar to the MU-1 zoning district, but more limited so as to prohibit uses that may not be in harmony with the adjacent land uses.

The development is also intended to integrate with the adjacent uses to joint share infrastructure, coordinate common ingress/egress, and accommodate internal vehicular and pedestrian connectivity. The proposed PD is consistent with coordinating building and facility relationships and creating infill development. The site's location along NW 39th Avenue also encourages bicycle and transit accessibility.

The applicant's opinion is that the proposed PD layout plan implements the optimal design of the site thereby providing a foundation for potential future uses to create a different use to meet changing needs, technologies, economics, and consumer preferences while still maintaining the best possible design.

Given the small area of the site, no outstanding landscape features or scenic vistas exist on the site.

Land Development Regulations Sec. 30-216

(1) Conformance with the PD objectives and the comprehensive plan.

Please refer to the PUD Report that is submitted with this application. The proposed PD is consistent with the Comprehensive Plan. In addition, the proposed PD conforms with the PD objectives enumerated in Sec. 30-211(b):

- (1) The proposed PD site plan places the building area close to the street edge of NW 39th Avenue with a building orientation towards the street and the sidewalk. The site is accessible via pedestrian, bicycle, and transit and its location proximate to existing residential neighborhoods and offices encourages internal and external convenient travel to and from surrounding offices and residences.
- (2) A sufficient range of uses are allowed by the PD to provide flexibility to meet changing needs and consumer preferences within this area. Although today the site may be better suited as a restaurant or service establishment, in the future it may better serve as an office or professional use.
- (3) The existing conditions on the site are consistent with intense urban development and do not include outstanding landscape features and scenic vistas.
- (4) The proposed PD is urban infill in that the site currently is vacant and will be developed in an urban fashion consistent with the surrounding uses thereby filling in the area. Therefore, existing utility and infrastructure services are used in an economically efficient manner.
- (5) To reiterate, the proposed PD is urban infill that achieves a coordinated building and facility relationship that helps eliminate the negative impacts of piecemeal and unplanned development.

- (6) The proposed architectural and design standards of the project create a street-oriented development that contributes to a vibrant commercial use within the existing development and building patterns. Features such as an articulated façade, earth tone colors, and a pitched roof define the architectural and design elements.
- (7) The proposed PD emphasizes traditional, quality-of-life design features that include connections with the existing, surrounding developments via sidewalks and shared access. Parking will be located in the rear of the site and the building located toward the front adjacent to the sidewalk. Landscape elements will be included that enhance the edges of the site and create an attractive, pedestrian-oriented design.

(2) Concurrency.

An application for a Certificate of Preliminary Concurrency is submitted as part of this application package. The proposed PD will meet the level of service standards adopted in the Comprehensive Plan.

(3) Internal Compatibility.

The proposed PD site is approximately 1.26 acres and therefore does not have sufficient area to accommodate a wide variety of uses. The building area will be approximately 10,000 sq. ft. Therefore, the internal compatibility of the site is largely irrelevant to the proposed PD. However, the proposed PD site plan takes into consideration the surrounding uses. A stormwater management facility is located at the southern portion of the site as a transition between the office uses to the south and shared driveway access is proposed with the bank use to the east. Internal parking areas and driveway features include landscape areas and pedestrian use areas thereby eliminating any undue adverse affects from development of the site.

(4) External Compatibility.

The proposed PD will not have any avoidable or undue impact on any existing surrounding use:

1. Uses – The proposed business / services uses on the PD site will be compatible with the surrounding office and service uses already located at the southwest corner of NW 39th Avenue and NW 43rd Street. The business / service use proposed will provide complementary services to the residential neighborhoods to the west and north of the site. An existing buffer that consists of a 6-ft wooden fence with existing tree screening and a grass swale already exists between the site and the neighborhood to the west to ensure compatibility.

(5) Intensity of Development.

The proposed PD does not contain a residential component. Nonetheless, less than 25% of the site will actually be developed, thus having a limited impact on the site in terms of intensity.

(6) Usable Open Spaces, Plazas, and Recreation Areas.

The 1.26-acre site does not provide area sufficient to create recreation areas, open space, or plazas within its boundaries. Nor will the proposed PD, which does not have a residential component, create any increased pressure on the City of Gainesville's recreational areas.

(7) Environmental Constraints.

The conditions and requirements of Article VIII, Environmental Management, including surface water, gateway, nature park, greenway, uplands, and wellfield overlay districts, do not apply to this particular PD site. The proposed PUD site and the surrounding uses are urban uses. Intense urban development characterizes the environmental conditions. Therefore, impacts and/or constraints are not relevant to the proposed uses. Providing denser development in urban areas, such as that proposed, reduces pressure for development in more environmentally sensitive, outlying areas.

(8) External Transportation Access.

The proposed PD site is located on a major street (NW 39th Avenue / State Road 222). Access will meet the standards set in Article IX, Additional Development Standards, and Chapter 23, Streets, Sidewalks, and other Public Places.

(9) Internal Transportation Access.

The proposed PD does not have a residential component, however, will have access to a public street by way of a private access and pedestrian way.

(10) Provision for the Range of Transportation Choices.

The proposed PD will provide sufficient off-street parking. Parking areas will be located in the rear of the site to ensure they are safe and maintainable. Pedestrian areas will provide pedestrian and bicycle access to the sidewalk along NW 39th Avenue.

Statistical Information

Description	Information
Total Acreage of site	1.26 acres total.
Maximum Lot Coverage	60%
Minimum on-site open/landscape space	20%
The maximum number of Residential Dwelling Units	0

<p>Permitted uses: all uses by Right as defined by the OF zoning district and the uses from the MU-1 zoning district as listed here:</p>	<p><u>Additional Allowed Uses:</u></p> <ul style="list-style-type: none"> ▪ Eating places ▪ Outdoor cafes ▪ Personal fitting and sales of prosthetic or orthopedic appliances ▪ Repair services for household needs ▪ Radio and television broadcasting stations (without transmission towers) ▪ Paint, glass and wallpaper stores ▪ Hardware stores ▪ Apparel and accessory stores ▪ Home furniture, furnishings and equipment stores ▪ Miscellaneous retail ▪ Educational services ▪ Museums and art galleries ▪ Membership organizations ▪ Engineering, accounting, research management and related services
--	---

The calculated trip impact is based upon the ITE 7th Edition. These uses are two of the allowed uses and expected to be the most intense uses relative to traffic generation.

Land Use	# Units	AADT	AM Peak	PM Peak
ITE 932 - High Turnover Restaurant (Sit-down) Restaurant	250 seats	1,208	118	105
Reduction for pass-by trips (43%) ¹		519	51	45
Net trip generation		689	67	60

Land Use	# Units	AADT	AM Peak	PM Peak
ITE 816 - Hardware/Paint Store	3,500 ² square feet	179	18	17
Reduction for pass-by trips (43%) [*]		77	8	7
Net trip generation		102	10	10

¹Pass-by trips = 43%

² Estimated square footage

Stormwater Management Concept Plan

Stormwater Management Systems will be provided on-site or jointly with adjacent site development to comply with the current applicable City of Gainesville Land Development Code requirements and requirements of the St. John's River Water Management District (SJRWMD). Stormwater Management Systems will not be located along NW 39th Avenue.

Design Standards

The site design standards will comply with the MU-1 District and the Central Corridor Standards of the Land Development Code.

A common ingress/egress driveway (common with the offices to the south) located along the western property line will serve as one point of connection to NW 39th Avenue. A common ingress/egress driveway connection to NW 39th Avenue is an optional second point of access. This driveway would be a relocation of the adjacent SunTrust driveway to a common location to serve both parcels. In addition, an internal vehicular connection is proposed to connect to the SunTrust site to allow egress only to NW 43rd Street. Both vehicular connections to the SunTrust parcel are subject to approvals of private agreements between the two parcel owners.

Pedestrian access will be accommodated between the on-site development and public sidewalks in the NW 39th Avenue right-of-way, and the adjacent pedestrian improvements within the SunTrust parcel (subject to the two private landowners agreement).

The building location and architectural design will comply with the Central Corridor Design Standards for location, glazing and mechanical equipment placement. In addition, No more than two (2) tenant spaces may face NW 39th Avenue.

The parking provided will comply with the City Land Development Code based upon the use.

Architectural Theme, Guidelines, and Standards

The proposed PUD places the building area close to the street and sidewalk to promote greater accessibility by pedestrians and appropriately align with the street edge. In addition to compliance with the Central Corridor standards, the proposed PUD will follow specific architectural guidelines that include the use of:

- pitched roofs;
- articulated facades, at a minimum, on the eastern, northern and western facades;
- No more than two (2) tenant spaces may face NW 39th Avenue;
- earth tone colors, and
- the building edge will be located between 25-50 ft from the street edge.

The setback from street edge will bring the building close to the street edge while aligning closely with the existing Sun Trust bank to the east that has a significant setback approximately 80 ft from the street edge. Any additional space within the setback area between the street and the building will be utilized features such as landscaping, possibly including street trees.

Stormwater Management Systems will not be located along NW 39th Avenue. These architectural guidelines will create a more vibrant and attractive business environment.

Development Schedule

Development schedule per adopted PD Ordinance.

Unified Signage Plan

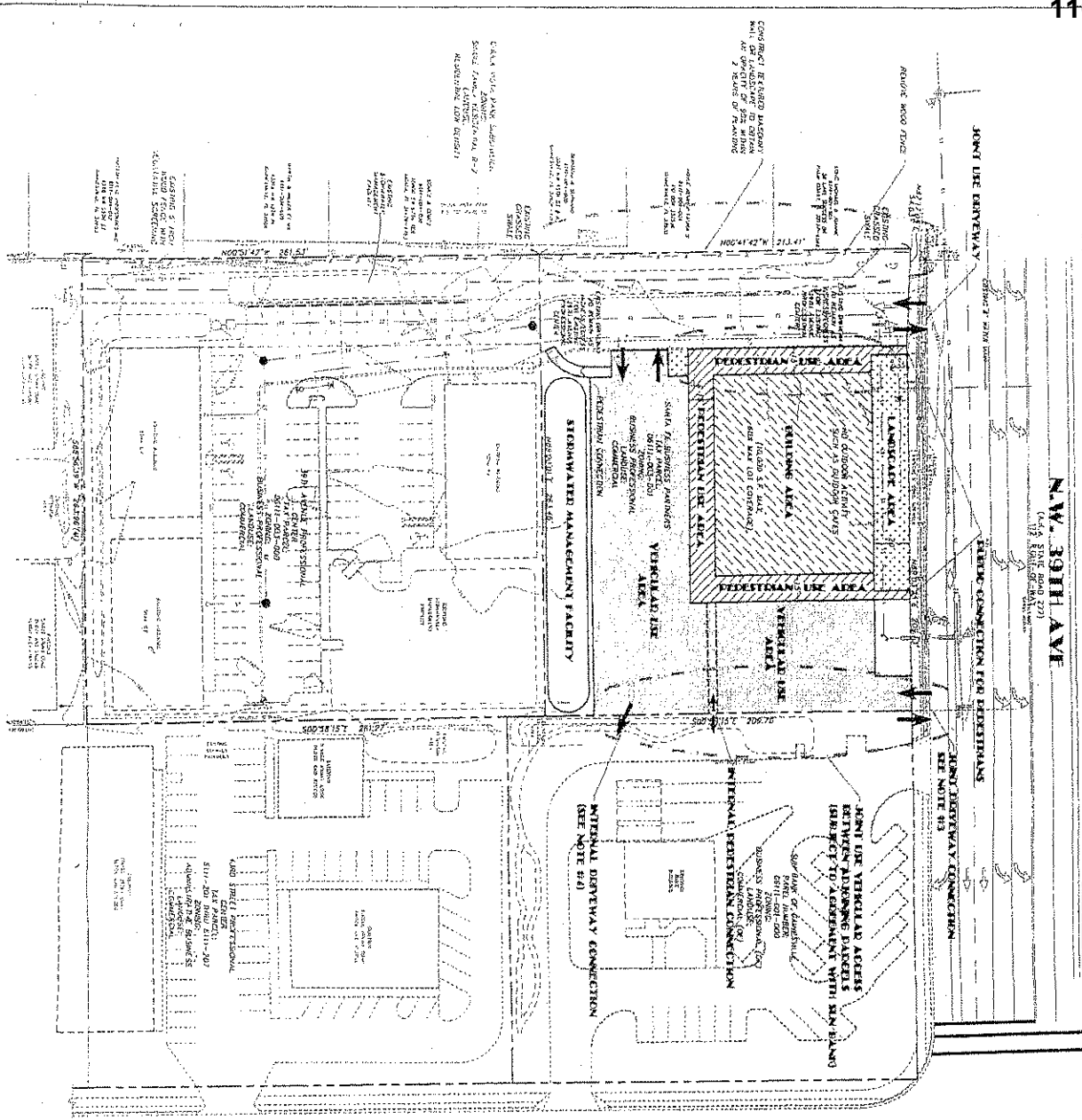
The site signage is intended to comply with the City of Gainesville LDC. In addition, the following requirements will be imposed:

- a) Maximum allowed sign size is 48 square feet, 10 feet high;
- b) No neon, flashing, or electronic signs; and
- c) Only one sign per tenant façade facing NW 39th Avenue, others per code.

Appendix 'A'

LEGAL DESCRIPTION

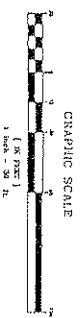
COM NE COR SEC W ALONG C/L SR 232 219.47FT S 62 FT TO POB S 209.78 FT W
262.01 FT TO E LINE OF CHULA VISTA PARK N213.37 TO R/W SR 232 E 261.56 FT TO
POB OR 1747/1636.



N.W. 43RD STREET

GENERAL NOTES

1. ALL SITE DISTURBANCE SHALL COMPLY WITH THE APPROPRIATE "B" REPORT
2. NOTES TO THE JOB REPORT FOR A DESCRIPTION OF THE PROPOSED WORK SHALL BE APPROVED BY THE SITE DEPARTMENT
3. THE JOINT USE VERMILION AREAS SHALL BE CONSIDERED WITH NEW WORK WHICH INCLUDES CLASS 1 AND CLASS 2 WORK SHALL BE CONSIDERED WITH NEW WORK
4. THE AIRWAY DRIVEWAY CONNECTION IS SUBJECT TO AGREEMENTS WITH N.W. 39th



PROJECT NO.	DATE	SCALE	PROJECT	DESIGNER	CHECKED BY	DATE	PROJECT	PROJECT	PROJECT
110866E	06/15/2005	AS SHOWN	PEDESTRIAN CONNECTION	CAUSEAUX & ELLINGTON, INC.	RYAN CAUSEAUX, P.E.	06/15/2005	110866E	110866E	110866E
CAUSEAUX & ELLINGTON, INC. Engineering Surveying & Planning 6011 NW 12th Park Center, Miami 33167 Phone: (305) 551-1000 Fax: (305) 551-1001			PROJECT NO. 110866E PROJECT NAME: PEDESTRIAN CONNECTION PROJECT LOCATION: N.W. 39th Ave & N.W. 43rd St PROJECT DATE: 06-15-2005 PROJECT SHEET: 04-439 PROJECT TOTAL SHEETS: 2						

Appendix 'A'

LEGAL DESCRIPTION (per OR Book 1747 Page 1637)

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EXHIBIT 'D'

Permitted uses: all uses by Right as defined by the OF zoning district and the uses from the MU-1 zoning district as listed here:

Additional Allowed Uses:

- Eating places
- Outdoor cafes
- Personal fitting and sales of prosthetic or orthopedic appliances
- Repair services for household needs
- Radio and television broadcasting stations (without transmission towers)
- Paint, glass and wallpaper stores
- Hardware stores
- Apparel and accessory stores
- Home furniture, furnishings and equipment stores
- Miscellaneous retail
- Educational services
- Museums and art galleries
- Membership organizations
- Engineering, accounting, research management and related services