

ORDINANCE NO. 030905
0-04-51

**An Ordinance of the City of Gainesville, Florida;
rezoning certain lands within the City and amending
the Zoning Map Atlas from "RMF-5: 12 units/acre
single-family/multiple family residential district "; to
"Planned Development District"; located at 1609
Northwest 29th Road; adopting a development plan
report and development plan maps; providing
conditions and restrictions; providing for enforcement;
providing a severability clause; and providing an
immediate effective date.**

WHEREAS, by initiation of a petition by the property owner, publication of notice
of a public hearing was given that the Zoning Map Atlas be amended by rezoning certain
property within the City from "RMF-5: 12 units/acre single-family/multiple-family
residential district" to "Planned Development District"; and

WHEREAS, notice was given and publication made as required by law of a public hearing
which was then held by the City Plan Board on February 19, 2004; and

WHEREAS, notice was given and publication made of a public hearing which was then
held by the City Commission on April 12, 2004; and

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

WHEREAS, at least ten (10) days notice has been given once by publication in a
newspaper of general circulation prior to the adoption public hearing notifying the public of this
proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,
City Hall, in the City of Gainesville; and

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

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

6 **Section 1.** The Zoning Map Atlas of the City of Gainesville is amended by
7 rezoning the following described property from "RMF-5: 12 units/acre single-
8 family/multiple-family residential district" to "Planned Development District";

9 See Exhibit "A" attached hereto and made a
10 part hereof as if set forth in full.
11

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

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

- 16 1. the development plan report entitled "Sabal Preserve Planned
17 Development", last revised on May 17, 2004, attached and identified as
18 Exhibit "B"; and
- 19 2. development plan maps consisting of sheets: 1) "Cover Sheet" dated May 18,
20 2004; 2) "Existing Conditions Map", dated May 18, 2004; 3) "Existing Vegetation
21 Map" dated May 18, 2004; 4) "PD Layout Plan" dated May 18, 2004; and 5) "PD
22 Master Plan" dated May 18, 2004; identified as Exhibit "C", are incorporated and
23 made a part of this Ordinance as if set forth in full. The terms, conditions, and

1 limitations of the Development Plan shall regulate the use and development of the
2 land described herein zoned to the category of Planned Development District as
3 provided in Chapter 30, Land Development Code of the City of Gainesville
4 (hereinafter referred to as "Land Development Code"). In the event of conflict
5 between the provisions of the development plan report (Exhibit "B") and the
6 development plan maps (Exhibit "C"), the provisions, regulations, and restrictions
7 of the development plan maps (Exhibit "C") shall govern and prevail.

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

- 10 1. The Planned Development shows two densities within the development. Buildings within POD B, as
11 shown on Sheet 4 "PD Layout Plan" of Exhibit "C" shall have no more than 8 dwelling units per
12 building. The POD B building shall be limited to one-floor units or two-story townhouses.
13 Buildings in the area to the west (POD A, as shown on Sheet 4 "PD Layout Plan" of Exhibit "C")
14 shall have no more than 12 dwelling units per building. Dwelling units may be configured as one-
15 floor units, two-story townhouses and a combination of a one-floor unit with a two-story townhouse
16 above or as three-story town houses, subject to development plan approval. Within POD A, near the
17 intersection of Northwest 31st Avenue and Northwest 29th Road, the twelve unit buildings shall be
18 limited to two stories, as shown on Sheet 4 "PD Layout Plan" of Exhibit C. One-story units in POD
19 A and POD B shall only be allowed as the end unit of a multi-unit building. The entire planned
20 development shall not exceed 790 bedrooms.
21
- 22 2. Building separation shall comply with the requirements of the Florida Building Code and the
23 standard minimum distances between buildings, as provided in Sec. 30-338 (5)(c), Land
24 Development Code.
25
- 26 3. Anything to the contrary notwithstanding, all buildings shall be setback a minimum of 20 feet from
27 the outside perimeter boundary of the property.
28
- 29 4. Parking shall be provided at a rate of 2 parking spaces per unit and require additional parking for
30 recreation, office, and guest area. Additional spaces up to ten percent of the required spaces
31 consistent with the parking requirements of Chapter 30, Article IX, Land Development Code may be
32 provided. All parking provided shall meet the landscape requirements of Chapter 30, Article VIII,
33 Land Development Code.
34
- 35 5. Garages shall be setback a minimum of 25 feet from the edge of any sidewalk. The owner/developer
36 shall provide a sidewalk system to serve the development and enhance pedestrian safety, subject to
37 development plan approval.

6. The emergency access as shown on Sheet 4 "PD Layout Plan of Exhibit "C" shall be equipped with an approved entry system that allows access to emergency vehicles, subject to the approval of the City Manager or designee.
7. The mitigation of the "designated wetland area to be mitigated" as shown on Sheet 2 "PD Layout Plan of Exhibit "C" shall be accomplished by the preservation of the adjacent uplands labeled "Mitigated Wetland 3:1 Ratio" as shown on Sheet 2 in the southeast corner of the subject property. Mitigation shall meet all requirements of the St. John's River Water Management District and Uniform Mitigation Assessment Method, Florida Administrative Code Chapter 62-345, and Chapter 30, Article VIII, Land Development Code.
8. The owner/developer shall remove exotic, invasive plant material from the property with a vegetation management plan to be submitted with each phase of the development, subject to development plan approval.
9. A construction barricade shall be placed along the 50-foot wetland buffer line, as shown on Sheet 4 "PD Layout Plan of Exhibit "C", and remain in place during all construction of the stormwater basin and any other adjacent structures and pavement. All National Pollutant Discharge Elimination System criteria shall be satisfied during and after construction of the development.
10. A permit must be issued from the Florida Fish and Wildlife Conservation Commission with regard to existing Gopher Tortoises and submitted to the City Manager, or designee, prior to the issuance of final development plan approval.
11. An archeological assessment shall be performed for entire site prior to preliminary development plan approval of Phase 1 of the development, as shown on Sheet 5, "PD Master Plan" of Exhibit "C".
12. The development shall obtain final development plan approval for phase one within two years and final development plan approval for all phases within 5 years from the adoption of the rezoning ordinance, or the development order approved by this ordinance shall be null and void. The owner/developer may request the City Commission to provide a one-year extension for final development plan approval from the time limits for phases two and/or three upon a showing of necessity and a good faith effort to comply with the time limits. Any portion of the development for which a final development order has not been issued within said 5 years, or within an additional year, as provided above shall expire, and the development approval granted by this ordinance shall be deemed null and void. If an active building permit is in effect at the expiration date, the owner/developer shall complete all development authorized by any outstanding building permit within 180 days of said expiration date. Each phase shall provide all required infrastructure improvements, such as stormwater management, appropriate access, lighting, landscaping and utilities. Phase one shall include the stormwater management basin, the wetland and wetland buffers and recreational amenities, dumpster, and maintenance facilities for the entire development.
13. The development shall meet eight of the Policy 1.1.6 standards of the Concurrency Management Element of the City of Gainesville 2000-2010 Comprehensive Plan. The developer shall sign a

1 TCEA agreement for the provision of the required concurrency management Element Policy 1.1.6
2 standards prior to second and final reading of this ordinance.
3

4 14. Prior to final development plan approval, a condominium or homeowners association shall be
5 created meeting all requirements of Florida Statutes that provides for the maintenance of all common
6 elements, property and facilities.
7

8 15. Except as expressly provided in this ordinance, the Planned Development shall be regulated by the
9 RMF-5 Residential Low Density zoning district regulation, Chapter 30 and Article IX, Land
10 Development Code.
11

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

17 **Section 6.** Any person who violates any of the provisions of this ordinance shall be deemed
18 guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as provided
19 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,
20 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate
21 offense.

22 **Section 7.** If any section, sentence, clause or phrase of this ordinance is held to be invalid
23 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
24 the validity of the remaining portions of this ordinance.

25 **Section 8.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of
26 such conflict hereby repealed.
27
28

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

PASSED AND ADOPTED this 9th day of August, 2004.

Pegeen Hanrahan
Pegeen Hanrahan, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

Kurt Lannon
Clerk of the Commission

Marion J. Radson, City Attorney

AUG 10 2004

This ordinance passed on first reading this 26th day of July, 2004.

This ordinance passed on second reading this 9th day of August, 2004.

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LEGAL DESCRIPTION:
(FROM O. R. BOOK 2455, PAGE 494)

080898 A

1ST DESCRIBED PARCEL:

COMMENCE AT THE SE CORNER OF THE NW 1/4 OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST, THENCE RUN N 0 DEGREES 18 MINUTES 01 SECONDS E, ALONG THE EASTERLY LINE OF RIDGEVIEW, UNIT NO. 1, A SUBDIVISION AS RECORDED IN PLAT BOOK C, AT PAGE 21 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 262.0 FEET TO A CONCRETE MONUMENT; THENCE RUN S 87 DEGREES 11 MINUTES 59 SECONDS E, A DISTANCE OF 637.56 FEET TO A CONCRETE MONUMENT; THENCE RUN S 38 DEGREES 58 MINUTES 59 SECONDS E, A DISTANCE OF 361.89 FEET TO AN IRON PIPE, SAID IRON PIPE BEING THE POINT OF BEGINNING; THENCE CONTINUE S 38 DEGREES 58 MINUTES 59 SECONDS E, A DISTANCE OF 192.04 FEET TO A CONCRETE MONUMENT; THENCE RUN S 51 DEGREES 15 MINUTES 59 SECONDS E, A DISTANCE OF 166.72 FEET TO A CONCRETE MONUMENT; THENCE RUN S 58 DEGREES 10 MINUTES 59 SECONDS E, A DISTANCE OF 626.79 FEET TO THE CENTERLINE OF HOGTOWN CREEK; THENCE RUN IN A SOUTHERLY DIRECTION ALONG THE FOLLOWING TRAVERSE OF HOGTOWN CREEK: S 42 DEGREES 33 MINUTES 36 SECONDS W, A DISTANCE OF 84.17 FEET; S 37 DEGREES 27 MINUTES 58 SECONDS E, A DISTANCE OF 66.71 FEET; THENCE RUN S 01 DEGREES 48 MINUTES 44 SECONDS E, A DISTANCE OF 42.56 FEET TO AN IRON PIPE; LEAVING TRAVERSE OF HOGTOWN CREEK THENCE RUN N 89 DEGREES 35 MINUTES 19 SECONDS W, A DISTANCE OF 771.95 FEET TO AN IRON PIPE; THENCE RUN N 00 DEGREES 16 MINUTES 04 SECONDS E, A DISTANCE OF 736.02 FEET TO THE POINT OF BEGINNING AND CONTAINING 7.288 ACRES MORE OF LESS.

2ND DESCRIBED PARCEL:

COMMENCE AT THE SE CORNER OF THE NW 1/4 OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST, THENCE RUN N 0 DEGREES 18 MINUTES 01 SECONDS E, ALONG THE EASTERLY LINE OF RIDGEVIEW, UNIT NO. 1, A SUBDIVISION AS RECORDED IN PLAT BOOK C, AT PAGE 21 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 262.0 FEET TO A CONCRETE MONUMENT; THENCE RUN S 87 DEGREES 11 MINUTES 59 SECONDS E, A DISTANCE OF 637.56 FEET TO A CONCRETE MONUMENT; THENCE RUN S 38 DEGREES 58 MINUTES 59 SECONDS E, A DISTANCE OF 361.89 FEET TO AN IRON PIPE; THENCE RUN S 00 DEGREES 16 MINUTES 04 SECONDS W, A DISTANCE OF 736.02 FEET TO AN IRON PIPE, SAID IRON PIPE BEING THE POINT OF BEGINNING; THENCE RUN S 89 DEGREES 35 MINUTES 19 SECONDS E, A DISTANCE OF 771.95 FEET TO THE CENTERLINE OF HOGTOWN CREEK; THENCE RUN IN A SOUTHERLY, NORTHWESTERLY, AND SOUTHERLY DIRECTION ALONG THE FOLLOWING TRAVERSE OF HOGTOWN CREEK: S 01 DEGREES 48 MINUTES 44 SECONDS E, A DISTANCE OF 39.04 FEET; S 32 DEGREES 46 MINUTES 31 SECONDS E, A DISTANCE OF 112.74 FEET; THENCE RUN S 36 DEGREES 59 MINUTES 45 SECONDS W, A DISTANCE OF 119.13 FEET; N 46 DEGREES 24 MINUTES 49 SECONDS W, A DISTANCE OF 72.80 FEET; S 51 DEGREES 57 MINUTES 07 SECONDS W, A DISTANCE OF 34.53 FEET; S 32 DEGREES 44 MINUTES 07 SECONDS E, A DISTANCE OF 79.55 FEET; S 62 DEGREES 40 MINUTES 36 SECONDS E, A DISTANCE OF 166.10 FEET; LEAVING TRAVERSE OF HOGTOWN CREEK; THENCE RUN N 89 DEGREES 35 MINUTES 19 SECONDS W, A DISTANCE OF 874.81 FEET; THENCE RUN N 00 DEGREES 16 MINUTES 04 SECONDS E, A DISTANCE OF 342.77 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.145 ACRES MORE OF LESS.

3RD DESCRIBED PARCEL:

COMMENCE AT THE SE CORNER OF THE NW 1/4 OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST, THENCE RUN N 0 DEGREES 18 MINUTES 01 SECONDS E, ALONG THE EASTERLY LINE OF RIDGEVIEW, UNIT NO. 1, A SUBDIVISION AS RECORDED IN PLAT BOOK C, AT PAGE 21 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 262.0 FEET TO A CONCRETE MONUMENT; THENCE RUN S 87 DEGREES 11 MINUTES 59 SECONDS E, A DISTANCE OF 449.11 FEET TO AN IRON PIPE; THENCE RUN S 00 DEGREES 16 MINUTES 04 SECONDS W, A DISTANCE OF 724.34 FEET TO AN IRON PIPE; SAID IRON PIPE BEING THE POINT OF BEGINNING; THENCE RUN S 89 DEGREES 35 MINUTES 19 SECONDS E, A DISTANCE OF 417.22 FEET TO AN IRON PIPE; THENCE RUN S 00 DEGREES 16 MINUTES 04 SECONDS W, A DISTANCE OF 641.68 FEET TO AN IRON PIPE; THENCE RUN N 89 DEGREES 35 MINUTES 19 SECONDS W, A DISTANCE OF 417.22 FEET TO AN IRON PIPE; THENCE RUN N 00 DEGREES 16 MINUTES 04 SECONDS E, A DISTANCE OF 641.68 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.145 ACRES MORE OR LESS.

4TH DESCRIBED PARCEL:

COMMENCE AT THE SE CORNER OF THE NW 1/4 OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST, THENCE RUN N 0 DEGREES 18 MINUTES 01 SECONDS E, ALONG THE EASTERLY LINE OF RIDGEVIEW, UNIT NO. 1, A SUBDIVISION AS RECORDED IN PLAT BOOK C, AT PAGE 21 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 262.0 FEET TO A CONCRETE MONUMENT; THENCE RUN S 87 DEGREES 11 MINUTES 59 SECONDS E, A DISTANCE OF 449.11 FEET TO AN IRON PIPE; SAID IRON PIPE BEING THE POINT OF BEGINNING; THENCE CONTINUE S 87 DEGREES 11 MINUTES 59 SECONDS E, A DISTANCE OF 188.45 FEET TO A CONCRETE MONUMENT; THENCE RUN S 38 DEGREES 58 MINUTES 59 SECONDS E, A DISTANCE OF 361.89 FEET TO AN IRON PIPE; THENCE RUN S 0 DEGREES 16 MINUTES 04 SECONDS W, A DISTANCE OF 437.11 FEET TO AN IRON PIPE; THENCE RUN N 89 DEGREES 35 MINUTES 19 SECONDS W, A DISTANCE OF 417.22 FEET TO AN IRON PIPE; THENCE RUN N 0 DEGREES 16 MINUTES 04 SECONDS E, A DISTANCE OF 724.34 FEET TO THE POINT OF BEGINNING AND CONTAINING 6.145 ACRES MORE OR LESS.

TOGETHER WITH:

THE EAST HALF (E 1/2) OF THAT PORTION OF N. W. 18TH STREET SOUTH OF N. W. 31ST PLACE AS VACATED, ABANDONED AND CLOSED BY CITY OF GAINESVILLE, FLORIDA ORDINANCE NO. 961097 AS FILED AUGUST 5, 1997

AND RECORDED IN OFFICIAL RECORDS BOOK 2125, PAGE 247 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCELS "A", "B" AND "C" AS PER QUIT CLAIM DEED FILED OCTOBER 22, 1999 AND RECORDED IN OFFICIAL RECORDS BOOK 2259, PAGE 2662 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA:

PARCEL "A"

A PARCEL OF LAND SITUATED IN THE EAST HALF (1/2) OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT A FOUR (4) INCH SQUARE CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST; THENCE RUN NORTH 00°%D44'33" WEST ALONG THE EASTERLY LINE OF RIDGE VIEW, UNIT NO. 1, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "C", PAGE 21, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 261.86 FEET; THENCE RUN SOUTH 88°%D17'33" EAST, A DISTANCE OF 449.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 31ST PLACE (WIDTH VARIES) CLAIMED BY USAGE CERTIFICATE AS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 960-961 OF SAID PUBLIC RECORDS, AND ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 18TH STREET (60 FEET WIDTH, UNIMPROVED) AS DESCRIBED IN OFFICIAL RECORDS BOOK 176, PAGES 555-556 OF SAID PUBLIC RECORDS FOR A POINT OF BEGINNING; THENCE RUN SOUTH 88°%D19'07" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 31ST PLACE, A DISTANCE OF 166.87 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF NORTHWEST 29TH ROAD (WIDTH VARIES) CLAIMED BY USAGE CERTIFICATE AS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 957 OF THE SAID PUBLIC RECORDS; THENCE RUN SOUTH 58°%D43'48" EAST ALONG SAID RIGHT-OF-WAY LINE OF NORTHWEST 29TH ROAD, A DISTANCE OF 4.47 FEET; THENCE RUN NORTH 88°%D58'31" WEST TO THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 18TH STREET AS DESCRIBED IN OFFICIAL RECORDS BOOK 176, PAGES 555-556 OF SAID PUBLIC RECORDS, A DISTANCE OF 170.58 FEET; THENCE RUN NORTH 00°%D44'14" WEST ALONG SAID EAST RIGHT-OF-WAY LINE OF NORTHWEST 18TH STREET, A DISTANCE OF 4.16 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.012 ACRES, MORE OR LESS.

PARCEL "B"

A PARCEL OF LAND SITUATED IN THE EAST HALF (1/2) OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCE AT A FOUR (4) INCH SQUARE CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST; THENCE RUN NORTH 00°%D44'33" WEST ALONG THE EASTERLY LINE OF RIDGE VIEW, UNIT NO. 1, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "C", PAGE 21, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 261.86 FEET; THENCE RUN SOUTH 88°%D17'33" EAST, A DISTANCE OF 449.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 31ST PLACE (WIDTH VARIES) CLAIMED BY USAGE CERTIFICATE AS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 960-961 OF SAID PUBLIC RECORDS, AND ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 18TH STREET (60 FEET WIDTH, UNIMPROVED) AS DESCRIBED IN OFFICIAL RECORDS BOOK 176, PAGES 555-556 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 88°%D19'07" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 31ST PLACE, A DISTANCE OF 166.87 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF NORTHWEST 29TH ROAD (WIDTH VARIES) CLAIMED BY USAGE CERTIFICATE AS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 960 OF THE SAID PUBLIC RECORDS; THENCE RUN SOUTH 58°%D43'48" EAST ALONG SAID RIGHT-OF-WAY LINE OF NORTHWEST 29TH ROAD, A DISTANCE OF 34.33 FEET FOR A POINT OF BEGINNING; THENCE CONTINUE SOUTH 58°%D43'48" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 15.58 FEET; THENCE RUN SOUTH 40°%D00'33" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF NORTHWEST 29TH ROAD AS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGES 958-960, A DISTANCE OF 521.03 FEET; THENCE RUN SOUTH 52°%D14'10" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 166.70 FEET; THENCE RUN SOUTH 59°%D11'28" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 502.73 FEET TO THE NORTHWESTERLY LINE OF A PUBLIC UTILITY EASEMENT AS DESCRIBED IN OFFICIAL RECORDS BOOK 211, PAGE 203 OF SAID PUBLIC RECORDS; THENCE CONTINUE SOUTH 59°%D11'28" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 30.06 FEET TO THE SOUTHEASTERLY LINE OF SAID PUBLIC UTILITY EASEMENT; THENCE CONTINUE SOUTH 59°%D11'28" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 33.57 FEET; THENCE RUN SOUTH 25°%D12'44" EAST ALONG SAID RIGHT-OF-WAY, A DISTANCE OF 33.03 FEET TO A POINT ON A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 200.00 FEET; THENCE RUN NORTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 18°%D03'15", AN ARC LENGTH OF 63.02 FEET, CHORD BEARING OF NORTH 47°%D04'40" WEST, CHORD LENGTH OF 62.76 FEET TO A POINT OF INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID PUBLIC UTILITY EASEMENT; THENCE CONTINUE NORTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 3°%D05'10", ARC LENGTH OF 10.77 FEET, CHORD BEARING OF NORTH 57°%D38'53" WEST, CHORD LENGTH OF 10.77 FEET TO THE POINT OF TANGENCY; THENCE RUN NORTH 59°%D11'28" WEST, A DISTANCE OF 19.27 FEET TO THE NORTHWESTERLY LINE OF SAID PUBLIC UTILITY EASEMENT; THENCE CONTINUE NORTH 59°%D11'28" WEST, A DISTANCE OF 530.38 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 475.00 FEET; THENCE RUN NORTHWESTERLY ALONG SAID CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 19°%D10'53", ARC LENGTH OF 159.02 FEET, CHORD BEARING OF NORTH 49°%D36'02" WEST, A CHORD DISTANCE OF 158.28 FEET TO A POINT OF TANGENCY; THENCE RUN NORTH 40°%D00'35" WEST, A DISTANCE OF 517.81 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.167 ACRES, MORE OR LESS.

PARCEL "C"

A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT A FOUR (4) INCH SQUARE CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION 30; THENCE RUN NORTH 00°%D44'33" WEST ALONG THE EASTERLY LINE OF RIDGE VIEW, UNIT NO. 1, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK "C", PAGE 21, OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, A DISTANCE OF 261.86 FEET; THENCE RUN SOUTH 88°%D17'33" EAST, A DISTANCE OF 449.01 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 31ST PLACE (WIDTH VARIES) CLAIMED BY USAGE CERTIFICATE AS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 960-961 OF SAID PUBLIC RECORDS, AND ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NORTHWEST 18TH STREET (60 FEET WIDTH, UNIMPROVED) AS DESCRIBED IN OFFICIAL RECORDS BOOK 176, PAGES 555-556 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 88°%D19'07" EAST ALONG SAID SOUTH RIGHT-OF-WAY LINE OF NORTHWEST 31ST PLACE, A DISTANCE OF 166.87 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF NORTHWEST 29TH ROAD (WIDTH VARIES) CLAIMED BY USAGE CERTIFICATE AS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGE 960 OF THE SAID PUBLIC RECORDS; THENCE RUN SOUTH 58°%D43'48" EAST ALONG SAID RIGHT-OF-WAY LINE OF NORTHWEST 29TH ROAD, A DISTANCE OF 49.91 FEET; THENCE RUN SOUTH 40°%D00'33" EAST ALONG THE WESTERLY RIGHT-OF-WAY LINE OF NORTHWEST 29TH ROAD CLAIMED BY USAGE CERTIFICATE AS DESCRIBED IN OFFICIAL RECORDS BOOK 820, PAGES 958-960, A DISTANCE OF 521.03 FEET; THENCE RUN SOUTH 52°%D14'10" EAST ALONG SAID RIGHT-OF-WAY LINE, A DISTANCE OF 166.70 FEET; THENCE RUN SOUTH 59°%D11'28" EAST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 566.36 FEET; THENCE RUN SOUTH 25°%D12'44" EAST ALONG SAID RIGHT-OF-WAY A DISTANCE OF 33.03 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 200.00 FEET FOR A POINT OF BEGINNING; THENCE RUN NORTHWESTERLY ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 5°%D49'58", AN ARC LENGTH OF 20.36 FEET, CHORD BEARING OF NORTH 40°%D58'02" WEST, AND CHORD LENGTH OF 20.35 FEET; THENCE RUN SOUTH 51°%D59'51" WEST, A DISTANCE OF 40.69 FEET; THENCE RUN SOUTH 13°%D18'34" EAST, A DISTANCE OF 126.57 FEET; THENCE RUN NORTH 51°%D59'51" EAST TO A POINT ON THE WESTERLY LINE OF "CREEKSIDE VILLAS", A CONDOMINIUM, A DISTANCE OF 27.52 FEET; THENCE RUN NORTH 13°%D18'34" WEST ALONG SAID LINE TO THE NORTHERLY LINE OF SAID "CREEKSIDE VILLAS", A DISTANCE OF 71.54 FEET; THENCE RUN NORTH 51°%D59'51" EAST ALONG SAID LINE TO THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID NORTHWEST 29TH ROAD, A DISTANCE OF 40.38 FEET; THENCE RUN NORTH 25°%D12'44" WEST ALONG SAID RIGHT-OF-WAY LINE A DISTANCE OF 30.43 FEET TO THE POINT OF BEGINNING; SAID PARCEL CONTAINING 0.100 ACRES, MORE OR LESS.

THE ABOVE DESCRIBED PROPERTY ALSO BEING DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATED IN SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST, CITY OF GAINESVILLE, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING ALL THOSE PARCELS DESCRIBED IN WARRANTY DEED FILED JULY 6, 1966 AND RECORDED IN OFFICIAL RECORDS BOOK 392, PAGE 34 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA (ALL RECORDING REFERENCES HEREIN ARE AS RECORDED IN SAID PUBLIC RECORDS), TOGETHER WITH THE EAST HALF (E 1/2) OF THAT PORTION OF N. W. 18TH STREET SOUTH OF N. W. 31ST PLACE AS VACATED, ABANDONED AND CLOSED BY THE CITY OF GAINESVILLE, FLORIDA ORDINANCE NO. 961097 AS FILED AUGUST 5, 1997 AND RECORDED IN OFFICIAL RECORDS BOOK 2125, PAGE 247, LESS AND EXCEPT PARCELS "A", "B" AND "C" AS DESCRIBED IN QUIT CLAIM DEED FILED OCTOBER 22, 1999 AND RECORDED IN OFFICIAL RECORDS BOOK 2259, PAGE 2662, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT AN UNIDENTIFIED FOUR (4) INCH SQUARE CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF THE N. W. 1/4 OF THE AFOREMENTIONED SECTION 30, TOWNSHIP 9 SOUTH, RANGE 20 EAST FOR A POINT OF REFERENCE AND RUN N.00°%D15'42"E. (BEARINGS HEREIN ARE BASED ON THE RECORD BEARING OF S.00°%D16'04"W. ALONG THE WEST LINE OF SAID PARCELS DESCRIBED IN OFFICIAL RECORDS BOOK 392, PAGE 34), ALONG THE EAST LINE OF RIDGE VIEW UNIT NO. 1, A SUBDIVISION AS PER PLAT THEREOF RECORDED IN PLAT BOOK "C", PAGE 21, A DISTANCE OF 261.86 FEET TO A NAIL AND CAP STAMPED PRM LS3456; THENCE RUN S.87°%D17'38"E., A DISTANCE OF 418.95 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012 AT THE INTERSECTION OF THE SOUTH RIGHT OF WAY LINE OF N. W. 31ST PLACE (WIDTH VARIES) AS CLAIMED BY USAGE CERTIFICATE RECORDED IN OFFICIAL RECORDS BOOK 820, PAGE 960, WITH THE CENTERLINE OF N. W. 18TH STREET (60 FEET WIDTH) AS DESCRIBED IN OFFICIAL RECORDS BOOK 176, PAGE 555, (SAID N. W. 18TH STREET HAVING BEEN VACATED, ABANDONED AND CLOSED BY THE CITY OF GAINESVILLE) AND THE POINT OF BEGINNING OF THE LANDS HEREIN DESCRIBED; THENCE RUN S.00°%D16'04"W., ALONG SAID CENTERLINE OF N. W. 18TH STREET, A DISTANCE OF 1367.71 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012 AT THE INTERSECTION OF SAID CENTERLINE WITH THE SOUTH LINE OF THAT PORTION OF N. W. 18TH STREET CLOSED BY ORDINANCE NO. 961097; THENCE RUN S.89°%D35'19"E., ALONG SAID SOUTH LINE, A DISTANCE OF 30.00 FEET TO A 5/8 INCH IRON AND CAP STAMPED OWEN LS4788 AT THE SOUTHWEST CORNER OF SAID PARCELS DESCRIBED IN OFFICIAL RECORDS BOOK 392, PAGE 34; THENCE CONTINUE S.89°%D35'19"E., ALONG THE SOUTH LINE OF SAID PARCELS, A DISTANCE OF 417.32 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012; THENCE CONTINUE S.89°%D35'19"E., ALONG SAID SOUTH LINE, A DISTANCE OF 716.23 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012; THENCE CONTINUE S.89°%D35'19"E., ALONG SAID SOUTH LINE, A DISTANCE OF 147.33 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012; THENCE CONTINUE S.89°%D35'19"E., ALONG SAID SOUTH LINE, A DISTANCE OF 16.70 FEET MORE OR LESS TO A POINT IN THE CENTERLINE OF HOGTOWN CREEK, SAID POINT BEING REFERRED TO AS POINT "A"; RETURN TO THE POINT OF BEGINNING AND THENCE RUN S.87°%D17'38"E., ALONG SAID SOUTH RIGHT OF WAY LINE OF N. W. 31ST PLACE, A DISTANCE OF 30.03 FEET TO

AN UNIDENTIFIED 1/2 INCH IRON PIPE ON THE FORMER EAST RIGHT OF WAY LINE OF SAID N. W. 18TH STREET AND AT THE NORTHWEST CORNER OF SAID PARCELS AS DESCRIBED IN OFFICIAL RECORDS BOOK 392, PAGE 34; THENCE RUN S.00%°D16'04"W., ALONG SAID FORMER EAST RIGHT OF WAY LINE, A DISTANCE OF 4.16 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012; THENCE RUN S.87%°D59'21"E., ALONG THE SOUTH LINE OF PARCEL "A" AS DESCRIBED IN OFFICIAL RECORDS BOOK 2259, PAGE 2662, A DISTANCE OF 170.72 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012 ON SAID SOUTH RIGHT OF WAY LINE OF N. W. 31ST PLACE AS CLAIMED BY USAGE CERTIFICATE; THENCE RUN S.57%°D43'08"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 29.86 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012 AT THE POINT OF BEGINNING OF PARCEL "B", AS DESCRIBED IN OFFICIAL RECORDS BOOK 2259, PAGE 2662; THENCE RUN S.38%°D58'54"E., ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL "B", A DISTANCE OF 517.81 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012 AT THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, SAID CURVE HAVING A RADIUS OF 475.00 FEET; THENCE RUN SOUTHEASTERLY, ALONG SAID SOUTHWESTERLY LINE OF PARCEL "B", WITH SAID CURVE, THROUGH AN ARC ANGLE OF 19%°D10'53", AN ARC DISTANCE OF 159.02 FEET (CHORD BEARING AND DISTANCE OF S.48%°D34'20"E., 158.28 FEET RESPECTIVELY) TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012 AT THE END OF SAID CURVE; THENCE RUN S.58%°D09'47"E., ALONG SAID SOUTHWESTERLY LINE OF PARCEL "B", A DISTANCE OF 549.65 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012 AT THE BEGINNING OF A CURVE CONCAVE SOUTHWESTERLY, SAID CURVE HAVING A RADIUS OF 200 FEET; THENCE RUN SOUTHEASTERLY, ALONG SAID SOUTHWESTERLY LINE OF PARCEL "B", WITH SAID CURVE, THROUGH AN ARC ANGLE OF 15%°D18'24", AN ARC DISTANCE OF 53.43 FEET (CHORD BEARING AND DISTANCE OF S.50%°D30'35"E., 53.27 FEET RESPECTIVELY) TO THE MOST NORTHERLY CORNER OF PARCEL "C" AS DESCRIBED IN OFFICIAL RECORDS BOOK 2259, PAGE 2662; THENCE RUN S53%°D01'32"W., ALONG A NORTHERLY LINE OF SAID PARCEL "C", A DISTANCE OF 40.69 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012; THENCE RUN S.12%°D16'53"E., ALONG A WESTERLY LINE OF SAID PARCEL "C", A DISTANCE OF 126.57 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012; THENCE RUN N.53%°D01'32"E., ALONG A SOUTHERLY LINE OF SAID PARCEL "C", A DISTANCE OF 30.00 FEET TO A 1/2 INCH IRON ROD AND CAP STAMPED LB4012; THENCE CONTINUE N.53%°D01'32"E., ALONG SAID SOUTHERLY LINE, A DISTANCE OF 19.18 FEET MORE OR LESS TO A POINT IN THE AFOREMENTIONED CENTERLINE OF HOGTOWN CREEK; THENCE RUN IN A GENERAL SOUTHERLY DIRECTION ALONG SAID CENTERLINE OF HOGTOWN CREEK THE FOLLOWING THIRTEEN (13) COURSES MORE OR LESS TO CLOSE ON THE AFOREMENTIONED POINT "A": (1) S.24%°D51'42"E., A DISTANCE OF 8.80 FEET; (2) S.06%°D16'24"W., A DISTANCE OF 64.10 FEET; (3) S.03%°D05'53"E., A DISTANCE OF 17.96 FEET; (4) S.35%°D49'45"E., A DISTANCE OF 111.37 FEET; (5) S.01%°D45'57"E., A DISTANCE OF 16.68 FEET; (6) S.32%°D30'30"W., A DISTANCE OF 94.67 FEET; (7) S.69%°D31'32"W., A DISTANCE OF 28.62 FEET; (8) N.42%°D19'52"W., A DISTANCE OF 59.00 FEET; (9) S.62%°D01'55"W., A DISTANCE OF 33.22 FEET; (10) S.11%°D09'49"E., A DISTANCE OF 29.80 FEET; (11) S.44%°D54'30"E., A DISTANCE OF 69.69 FEET; (12) S.68%°D21'33"E., A DISTANCE OF 130.77 FEET; (13) S.47%°D10'30"E., A DISTANCE OF 21.84 FEET TO CLOSE ON THE AFOREMENTIONED POINT "A".

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Planned Development Report

for

**Sabal Preserve
Planned Development**
Gainesville, FL



Prepared for

Diamond Regal Development, Inc.

Submittals:

January 12, 2004 PD Review
March 17, 2004 Revisions from Plan Board
April 15, 2004 Revision from City Commission
May 17, 2004 Revision from Staff Review

ENG PIN: 03-198



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EXHIBIT "B"

**SABAL PRESERVE
RESIDENTIAL PLANNED DEVELOPMENT (PD)**

PLANNED DEVELOPMENT REPORT

Submitted in accordance with the requirements of
Section 30-211, 213 & 214, City of Gainesville, Land Development Code

PURPOSE AND INTENT

The purpose of the proposed Planned Development (PD) zoning category is to allow the utilization of unique neighborhood design principles to develop a residential neighborhood of up to 200 dwelling units with an enhanced sense of community ownership. Ownership aids in creating a distinctive and innovative product, compatible with the character of the surrounding single- and multi-family uses and respectful of existing environmentally-sensitive site areas.

Some of the design principles employed within the PD include site-conducive multi-family attached townhomes, a sidewalk system to enhance pedestrian safety on both sides of the street, and exemplary multi-modal vehicular/bicycle/pedestrian opportunities which promote internal and external connectivity. The proposed PD is in close proximity to existing employment opportunities, shopping centers, recreation centers, and public and private schools that are all easily accessible. Glen Springs Elementary, Westwood Middle, and Gainesville High Schools are located proximate to the site. To the southeast is a flood plain associated with the Hogtown Creek.

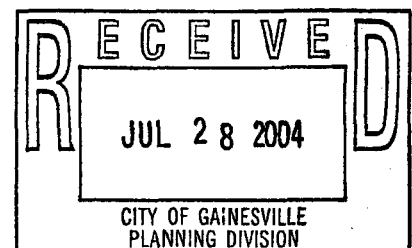
Therefore, the purpose of the PD is to allow design flexibility and project phasing to create a closely integrated community with the context area and the site's natural features. The PD's flexibility will allow a greater number of units per building, than in standard zoning, in an effort to minimize site infrastructure. In addition, the PD's phasing plan promotes preservation of environmentally-sensitive areas by allowing unit concentration away from natural site features.

In conclusion, the proposed PD exceeds the minimum requirements identified in Sec. 30-213 for rezoning property to a PD. Concurrently, the PD also allows the applicant to utilize unique neighborhood design principles to develop the proposed ownership-based residential neighborhood. These characteristics are what set the PD apart from what is currently allowed within conventional residential zonings. The PD's proposed design features are unique, and are further defined in the following sections. Diamond Regal Development, Inc. is proposing to rezone the project site's 26.4 acres from the existing RMF-5 (Residential Multi-Family) zoning district with limited development standards to a Residential Planned Development (PD) District.

CONSISTENCY WITH PD OBJECTIVES

The following is a description of the proposed Sabal Preserve PD design characteristics that have been developed to provide site design flexibility and the integration of multiple residential uses and preservation of outstanding landscape features for the purpose of creating a desirable living environment.

- 1) Sabal Preserve PD has been proposed to develop a unique residential neighborhood by utilizing the following design features:
 - a) Orientation of buildings toward streets and sidewalks; and
 - b) Provision of streets and sidewalks that provide connectivity to adjacent land uses and to transportation corridors that provide access to employment, shopping, educational, and recreational districts through the utilization of multi-modal transportation opportunities.
- 2) The PD proposes up to 200 dwelling units on the site at a density of 7.58 dwelling units per acre (du/ac), which will result in the total number of bedrooms that will not exceed 790. This proposed density provides a product that is needed in this community to meet the changing economic needs, technologies, and consumer preferences. Units may be configured as one floor units, two-story town houses and a combination of one floor unit with a two-story townhouse above or as three- story townhouses. One story units in either Pod shall be limited to the ends of multi unit buildings;
- 3) To the greatest extent possible, the Sabal Preserve PD's stormwater basins, roads, common space and utility locations will be designed to utilize and preserve the site's existing and outstanding landscape features. These features are comprised of a wetland system and existing creek with their associated natural areas. Where possible, natural landscape features are incorporated as elements enhancing the internal passive recreation opportunities afforded to the site, while shielding undesirable views, such as parking;
- 4) The PD will lower overall development and building costs by utilizing existing utilities infrastructure presently serving adjacent neighborhoods. Proposed joint trenching of new utilities will further protect sensitive site features. Heritage trees will be preserved, while healthy and youthful specimen's will be incorporated into buffers and modified tree canopy. In particular, efforts will be made to the best extent possible to preserve the Pecans and Hickory species in conjunction with development of the site;
- 5) The PD represents infill development that will interconnect to existing road and utility networks strengthening connections to the existing infrastructure of the City;
- 6) The PD will utilize a combination of architectural styles, while developing its unique unified style with underground utilities and traditional quality of life elements; and
- 7) The PD incorporates the use of traditional quality-of-life design features such as, the provision of open green spaces for neighborhood gatherings as well as creating a walkable pedestrian scale streetscape. The PD utilizes some front entry garage design. Common areas are created with both green spaces, and developed areas for community gatherings. These areas are situated in the site to create vistas throughout the site and over the natural landscape features.



CONSISTENCY WITH FUTURE LAND USE MAP

Existing land uses adjacent to the PD site include the County Manor Apartments and residential subdivisions located to the west, south and to the northeast respectively. Diamond Regal Development's east boundary is defined by NW 29th Road and north by NW 31st Place. The PD's maximum proposed overall density of 7.58 du/ac is allowed by the site's existing land use of Residential Low (RL). As a result, the proposed PD is in conformance with the City of Gainesville's 2000-2010 Comprehensive Plan's Future Land Use Map. The properties adjacent to the south and west of PD's boundaries have a RMF-6 (Residential Multi Family) zoning and a RM (Residential Medium) land use classification. North of NW 29th Road properties have a land use designation of SF (Single Family) and CON (Conservation) and zoning of RSF-1 (Residential Single-Family), RSF-3 (Residential Single-Family), and CON (Conservation).

CONCURRENCY

An application for Preliminary Concurrency Certification has been submitted to the City of Gainesville's Department of Community Development for this proposed PD. This development is located within Zone B of the Transportation Concurrency Exception Area (T.C.E.A.). The development must meet eight of the Policy 1.1.6 standards of the Concurrency Management Element of the City of Gainesville 2000-2010 Comprehensive Plan. Prior to 2nd reading of the PD Ordinance for this project, the developer will sign a TCEA Letter of Agreement for provision of the required standards. A Final Concurrency Certification will be submitted with the Development Plans. No building phase shall receive a Temporary or Final Certificate of Occupancy prior to completion of the Policy 1.1.6 standards associated with that phase.

INTERNAL COMPATIBILITY

The proposed Sabal Preserve PD is a single-use residential development, that by nature avoids the impacts of mixed-use PDs. Green spaces, wetlands, and ponds will be incorporated into common areas within a 10-minute walk from all residences, providing essential recreation areas that promote a high quality of life. The internal drives will be defined by trees, which will provide shade along the proposed sidewalks. The existing canopy will be preserved where possible by the use of underground utilities. Abundant common areas are provided, which will be landscaped, enhanced or retained in their natural condition to preserve several existing trees.

EXTERNAL COMPATIBILITY

The 26.4-acre project site is located along the south side of NW 29th Road, east of the Country Manor apartment complex. The site is bordered to the northeast by NW 31st Avenue, which contains several single-family homes and to the southeast by the Hogtown Creek. Additionally in these areas, the rear setback will be 20' to comply with the adjacent zoning requirements.

The applicant desires to install a 6' high wall along the common boundary of NW 29th Road. No regulated trees shall be removed to install the wall. The wall will be placed near the rear of the

20 foot setback and will be integrated with the PD's design and constructed of like materials, matching the architectural character of the PD. At a minimum the wall shall have masonry columns, shadow box or other decorative design features with landscaping along the street edge. A 6' shadow box fence shall be constructed on the west and southern boundaries of the project. Wood fences will be constructed of non CCA materials. Both screening elements are to be located in property buffer areas and landscaping elements will compliment the installation.

INTENSITY & DENSITY OF DEVELOPMENT

The PD proposes a density of 7.58 Du/ac, which is consistent with the future land use designation of the site. The PD's proposed residential density will not have any undue adverse impacts on the physical and environmental characteristics of the site. More specifically, the PD's design will preserve the most significant wetlands and avoid most of the other significant natural features. The PD is consistent with the City's Comprehensive Plan's Future Land Use Map and complies with the City's Comprehensive Plan. Therefore, the purpose of the PD is to allow flexibility in design and project phasing to create a community that is closely integrated with the site and its natural features. Recreation areas, whether active or passive, will be located and designed to preserve sensitive site features such as existing tree canopy, promoting conservation.

The PD proposes up to 200 dwellings, which will result in the total number of bedrooms not to exceed 790. The PD will allow up to 12 units per building in the portion of the site shown as POD A on the PD Layout Map. Near the intersection of Northwest 31st Avenue and Northwest 29th Road, a maximum height of 2-stories will be allowed. POD B on the layout map PD will allow up to 8 units per building. The PD will include a maximum of 150 garages, which equates to 75 percent of the potential total units having an individual garage. Overall, the PD will be designed to parking of 2 spaces per unit and require additional parking for the recreation, office and guest area per the current Land Development Code. In addition, 10% of the required parking will be provided for guest's parking. All parking shall comply with the requirements of Chapter 30, Article IX and shall meet the landscape requirements of Chapter 30, Article VIII. A maximum Floor Area Ratio (FAR) of 0.40 will be allowed in the overall development.

USABLE OPEN SPACE

Within the 26.4-acre site, there is a total of 6 acres (22%) of common area that is comprised of stormwater basins, open green spaces, and buffers. The PD's sidewalks allow residents the opportunity and use of all the common areas by either foot or bicycle. One common area will include a clubhouse for neighborhood gatherings or meetings. This area may also include a pool and other recreational amenities. The Amenity Center may house a sales office, model showroom, computer room, community meeting facility, and maintenance area. Socials uses will be conducted in areas best suited to shield surrounding residential areas from noise and other annoyances consistent with the City of Gainesville's regulations and codes.

ENVIRONMENTAL CONSTRAINTS

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The site contains 7.7 acres of wetlands and associated buffer/setbacks with a proposed 0.10 acres of isolated wetland filling, thus a net area of 7.6 acres. The 0.10 acre isolated wetland is proposed to be mitigated through a conservation easement placed over approximately 0.5 acres of upland located immediately adjacent to the creek. In addition the area will be restored to a natural appearance by removal of all exotics and invasives. A conservation easement will be placed over the balance of the wetlands that will restrict development rights to passive recreation, maintenance of stormwater function, GRU sanitary sewer maintenance and a sewer connection. Development within the wetland buffer is limited to wet detention stormwater pursuant to the City's Land Development Code section 30-304 (9). In addition, a 15' building setback line shall be established adjacent to all 50'-wide wetland buffer areas/conservation easement limits.

Policy 1.1.1 b of the City's Comprehensive Plan indicates that a development "...must avoid loss of function or degradation of wetland habitat and/or wetland hydrology as the highest priority. Degradation or loss of function that is unavoidable shall be minimized..." It has been established through testimony of the Alachua County EPD and an independent wetland scientist that the 0.1 acre wetland provides little or no wetland function, habitat or hydrology. Specifically the wetland is a portion of a drainage ditch that bisects the property from west to east and funnels stormwater into the creek. Over time human influence through development and farming has caused this area to erode. The function of a wetland as defined by code is to provide for habitat, floodplain protection, water quality treatment, habitat, scenic, etc. The 0.1 acre isolated wetland is too small to provide useful habitat. The area is also located on a slope and therefore provides no floodplain protection, storage, or water quality treatment opportunity. Because the area is an eroded ditch it provides little if no scenic view. In contrast it is full of invasives and exotics and years of erosion and debris.

Sec 30-302.1 of the City's amended Land Development Code defines its purpose and intent to be to avoid loss or degradation of wetland function, to minimize unavoidable degradation or loss of wetland function and to require mitigation that fully offsets any unavoidable loss or degradation of wetland function.

As indicated above the 0.1 acre wetland is an erosion feature and provides no wetland function as defined in Sec 30-23 of the amended City Land Development Code (Definitions).

30-302.1 (d) indicates that "avoidance through practical design modifications is not required when the ecological value of the function provided by the area of wetland is low and the proposed mitigation will provide greater long term ecological value than the area of wetland to be affected". EPD recommendations at Plan Board were that the wetland provided very little ecological value since it was an eroded area. As such, avoidance of the impact does not need to be illustrated.

The proposed mitigation would comply with the amended City Land Development Code Section 30-302.1 (f) a. and c. that encourages mitigation through conservation easements and restoration.

Mitigation is therefore proposed to be consistent with the requirements of SJRWMD and recommendation of the Alachua County EPD.

An orange mesh barricade shall be constructed along the wetland/conservation areas and shall remain in place until construction is complete. Stormwater will be handled via a stormwater detention treatment system meeting City of Gainesville & Saint John's River Water Management District (SJRWMD) criteria for stormwater management design. All NPDES criteria must be satisfied during and after construction of the site.

STORMWATER MANAGEMENT PLAN

The PD lies within the Hogtown Creek watershed. The creek provides a natural collection and conveyance system for receiving runoff from the project site. Discharge to Hogtown Creek is by way of an overland flow to the creek system. The project site drains in a southeasterly directly to the Hogtown Creek. The proposed on-site wet-detention stormwater management facility will provide water quality treatment and run-off rate attenuation.

The stormwater management system will be constructed to comply with the current applicable requirements of the City of Gainesville Land Development Code and the SJRWMD. On-site systems will be required to comply with the water quality treatment requirements of the City of Gainesville and the SJRWMD prior to off-site discharge. Easements, whether for drainage or public utilities may be shifted, removed, or enlarged as necessary at any time during the development review process.

LANDSCAPING

All plant material will be Florida #1 grade or better as outlined by Grades and Standards for Nursery Plants, Division of Plant Industry, Florida Department of Agriculture and Consumer Services. Stormwater basins will be planted at a minimum of 25%, and shall include the equivalent of at least one shade tree per 35 linear feet of basin perimeter and other species conducive to growth in or around detention systems.

Wetland areas will remain undisturbed, with the exception of a singular isolated mitigation area. The removal of non-native and invasive species by hand or hand-held machinery such as shovels or small power equipment shall not be considered as disturbance to areas. Augmentation of the wetlands with additional native or wetland species may occur with approval of the SJRWMD.

Removal of exotic and invasive plant material from the site shall be consistent with a vegetation management plan to be submitted with each phase of development.

There will be no delay or possibility of an overlap of construction schedule of residences versus roadway construction. Therefore, this PD proposes to allow the clearing and filling of building locations to occur concurrently with the internal roadway construction. Future phases shall not be cleared or grubbed, except as needed for utility and stormwater infrastructure until final plans for those phases have been approved by the City.

EXTERNAL & INTERNAL TRANSPORTATION

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The PD has direct access to NW 29th Road and a second point of connection at the northern edge of the property in the form of an emergency ingress/egress gated entrance. Trip Generations are based upon the latest edition of the Institute of Transportation Engineers (ITE) Trip Generation manual, 7th Edition based unit type and density requested. ITE category 230, for residential condominium/townhome was used in this calculation.

Average Vehicle Trip Generation

Land Use	Description	24-Hour Two Way	AM Peak Hr Enter/Exit	PM Peak Hr Enter/Exit
Townhomes	200 Homes	1,172	18/60	70/35

Internal roads will consist of private streets with a 24-foot wide driving surface. The project will provide a sidewalk system to enhance pedestrian safety throughout the PD on both sides of the road, enhancing the pedestrian and bicycle connections throughout the site. Although there is not currently a transit route on NW 29th Road, there is a route serving Glen Springs Road and two routes serving NW 13th Street.

DESIGN STANDARDS FOR STREETS, PARKING, & LOADING AREAS

The street design standards as described below may vary depending on the street type provided:

- 1) Internal Streets:
The typical internal street will use a standard 24' pavement cross-section design. The street will include two 12' travel lanes with 5' to 7' sidewalks located on each side.
- 2) Entrance Street:
The entrance street shall be a minimum of 24' of pavement allowing two-way vehicular traffic.

Parking will be accommodated in the front of the single-family units. Units in the low-density areas may include garages. Driveways will be of adequate length to accommodate vehicles without blocking the internal sidewalk areas. Service and delivery vehicles will not be allowed to use City streets for maneuvering and backing while accessing the site.

STATISTICAL INFORMATION AND DIMENSIONAL REQUIREMENTS	
<i>Total Acreage of site</i>	+/-26.4 acres
<i>Area within Creek & Wetland Setback</i>	+/- 7.6 acres
Maximum residential single-family dwelling units	200 dwelling units
Maximum Allowable Density	7.58 du/ac
Maximum percent of building coverage	40%
Maximum percent of impervious coverage	80% (of developable area only)
Minimum on-site open/landscape use	20% (of developable area only)
Maximum common area & usable open space	3.00 Acres

Maximum Stormwater Basins	3.17 Acres
Maximum Internal Roadways	3.00 Acres
Wetland Area	5.26 Acres
Wetland Mitigation Area	0.50 Acres
Maximum Amenities Area (Clubhouse/Recreation Area)	0.5 Acres
Publicly Dedicated Stormwater Basins	0.0 Acres
Publicly Owned Usable Space, Publicly Owned Recreational Areas, Publicly Owned Plazas	0.0 Acres
Maximum floor area ratio (F.A.R.)	.40 (based on livable conditioned area)
Building Separation Dimensions	20 feet for 2 story units 30 feet for 3 story units
Minimum Density	None
Maximum building height	Three stories-35' measured at the eaves

DEVELOPMENT SCHEDULE

As per the City's review schedule for PDs, it is anticipated that the full build out of Sabal Preserve will be completed within five (5) years of the effective date of the approved PD ordinance. There is the possibility of an extension for one additional year upon showing of a good faith effort to complete the development. The Sabal Preserve PD will be a multi-phase construction project. The PD's phasing is illustrated on Sheet 5, "PD Master Plan" of the accompanying drawings. Construction is proposed in three phases. Phases may be shifted without constituting a change in the PD. The final phase must be submitted for Development Review approval within five (5) years of the approval of the PD ordinance. The developer may apply in writing to the City Commission for a one time revision/extension to their phasing and development schedule without requiring an amendment to the PD. This revision/extension may affect multiple phases.

SIGNAGE PLAN

Diamond Regal Development, Inc. shall conform to the City of Gainesville's Land Development Code, Article IX, Division 1- Sign Regulations for the construction of all site signs.

ARCHITECTURAL GUIDELINES AND DESIGN STANDARDS**CONCEPTUAL FRONT ELEVATION**

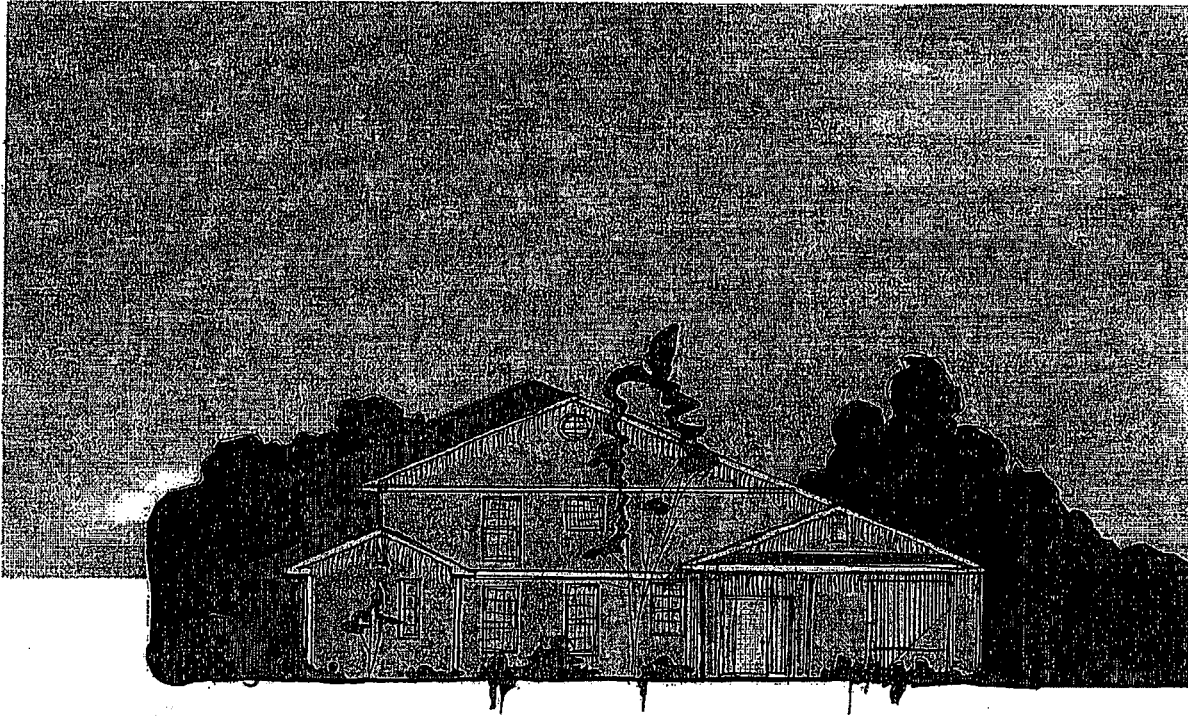
As can be seen in the above conceptual front elevation sketch provided by the project architect, the architectural character of the PD is reflective of the north-central Florida vernacular with traditional gable roof lines and occasional dormers articulating the overall roof. Roof pitch is moderate across the front facades and more dramatic from front to rear.

Longer expanses of dwelling units, to the maximum of 12 units per building, would contain articulation of the facade line to provide the appearance of individual dwelling units. Unit finish materials and colors would be varied to further the visual separation of units across the façade.

Building locations will maintain a rear setback of 20' from existing property boundary as illustrated on the PD Layout Plan. The applicant has agreed to install a 6' decorative wall along the common boundary. A fence may also be constructed on the west and southern boundaries of the project and along NW 29th Road. Both screening elements, if constructed, are to be located in property buffer areas. The wall would be constructed of materials common to the architectural theme of the development and heavily landscaped to provide a visual transition from the street.

Buildings facing NW 29th Road shall have an articulated character and an articulated roof system. The rear facades shall provide unique architectural character such as second floor level dormer windows, balconies, to provide a residential character when viewed from the street.

The proposed building materials would match the context area as illustrated on the previous page with multi-pane windows and traditional sheathing materials such as stucco over masonry and Hardee plank siding. Roofs would be sheathed in asphalt or fiberglass singles for durability.



CONCEPTUAL SIDE ELEVATION

As can be seen in the above side elevation sketch provided by the project architect, the architectural character of the PD is again reflective of the north-central Florida vernacular with traditional gable roof lines and occasional eaves on hip construction articulating the overall roof. Roof pitch is more dramatic from front to rear with typical overhang on the eaves for solar efficiency. The proposed building materials would match the context area as illustrated above with multi-pane windows and traditional sheathing materials such as stucco over masonry and Hardee plank siding.

Building footprint configuration may be articulated as shown. Buildings may contain up to twelve units per building in medium density areas. Units will be sold as condominiums with no platted lots in the PD. Therefore, the total number of buildings will be approximately 30 at buildout.

