

Legislative #  
150694

**ORDINANCE NO. 150694**

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**An ordinance of the City of Gainesville, Florida, amending the Zoning Map Atlas by rezoning to Planned Development District (PD) approximately 36.7 acres of property located at 7000-7800 block of NW 58<sup>th</sup> Street, as more specifically described in this ordinance and commonly referred to as Blues Creek Unit 5, Phase 2; adopting PD maps, a PD report, and development conditions; providing for enforcement; providing a severability clause; providing a repealing clause; and providing an effective date.**

11       **WHEREAS**, Planned Development District (PD) zoning is a zoning category that allows  
12 for landowners or developers to submit unique proposals that are not addressed or otherwise  
13 provided for in the zoning districts and land development regulations established by the City of  
14 Gainesville Land Development Code; and

15       **WHEREAS**, on July 21, 1981, the Alachua County Commission approved a Planned  
16 Unit Development by Resolution No. Z-81-68, which was further amended by a revised Master  
17 Plan for Blues Creek adopted on November 1999. Portions of Blues Creek PUD were annexed  
18 into the City of Gainesville. The City of Gainesville applied City future land use categories and  
19 also rezoned the property to the City of Gainesville zoning category of “Planned Development  
20 District” by Ordinance No. 030472 adopted on October 27, 2003 and Ordinance No. 041187  
21 adopted on November 28, 2005.

22       **WHEREAS**, Section 30-224(a) of the City of Gainesville Land Development Code  
23 provides that, with certain exceptions, an amendment to a previously approved Planned  
24 Development (PD) may only be accomplished by a rezoning ordinance accompanied by a new  
25 proposed Planned Development (PD); and

1           **WHEREAS**, by initiation of the owners of the subject property to amend the subject  
2 property's Planned Development District (PD) zoning, notice of public meetings was given as  
3 required by law; and

4           **WHEREAS**, on February 25, 2016, a public hearing was held by the City Plan Board,  
5 which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, where it  
6 recommended approval of the petition with certain revisions,

7           **WHEREAS**, on May 19, 2016, June 2, 2016 and September 5, 2016, the City  
8 Commission held public hearings and approved the petition with certain revisions; and

9           **WHEREAS**, at least ten (10) days' notice has been given once by publication in a  
10 newspaper of general circulation notifying the public of this proposed ordinance and of public  
11 hearings in the City Hall Auditorium located on the first floor of City Hall in the City of  
12 Gainesville; and

13           **WHEREAS**, public hearings were held pursuant to the notice described above at which  
14 hearings the parties in interest and all others had an opportunity to be and were, in fact, heard;  
15 and

16           **WHEREAS**, the City Commission finds that the amendments to the Planned  
17 Development District (PD) zoning for the property described herein (Unit 5, Phase 2) is  
18 consistent with the City of Gainesville Comprehensive Plan, Ordinance No. 021178, and the  
19 Planned Development objectives in the Land Development Code.

20           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
21 **CITY OF GAINESVILLE, FLORIDA:**

22           **Section 1.** The Planned Development conditions and requirements set forth herein  
23 apply only to the following described property, commonly referred to as "Blues Creek, Unit 5,

1 Phase 2”:

2 See legal description attached as Exhibit “A” and made a part hereof as if set forth  
3 in full. The location of the property is shown on Exhibit “B” for visual reference.  
4 In the event of conflict or inconsistency, Exhibit “A” shall prevail over Exhibit  
5 “B”.  
6

7 **Section 2.** The use and development of the property described in Section 1 of this  
8 ordinance shall be consistent with the City of Gainesville Comprehensive Plan, and shall be  
9 regulated by the following exhibits that are attached to this ordinance and made a part hereof as  
10 if set forth in full:

- 11 1. Exhibit “B” consists of the PD Layout Plan map titled “Blues Creek Unit 5, Phase  
12 2” dated January 11, 2016 and revised February 1, 2017; and
- 13 2. Exhibit “C” consists of the PD Report titled “Planned Development Report  
14 Amendment Blues Creek Unit 5, Phase 2”, dated October 6, 2015 and revised December  
15 1, 2015; December 21, 2015 and February 1, 2017.

16 In the event of conflict or inconsistency, the order of precedence shall be as follows, with  
17 number 1 taking precedence over number 2 and so on: 1) the development standards set forth in  
18 Section 3 of this ordinance; 2) Exhibit “B”; 3) Exhibit “C”; and 4) The City’s Land Development  
19 Code.

20 **Section 3.** The use and development of the property described in Section 1 of this  
21 ordinance shall be regulated by the following development standards:

- 22 (A) Lots bordering the 90-acre Drainage Easement, Developed Recreation & Conservation  
23 Area in the central portion of the property shall not extend into the 90-acre area. Lot  
24 lines for Unit 5, Phase 2 as shown on the PD Layout Plan are conceptual only and when

1           platted all lots shall be configured to maintain a minimum 35-foot buffer between the lot  
2           line and the landward extent of any regulated wetland.

3           (B) Local streets should, to the maximum extent practicable, avoid crossing flood plain,  
4           wetland, seepage or sinkhole areas. Where local streets abut or are proximate to these  
5           areas, the surface water management system should promote natural drainage patterns  
6           which occur there.

7           (C) At the time of final plat approval, Unit 5 Phase 2 shall meet the City of Gainesville  
8           Transportation Mobility Program Area (TMPA) requirements or transportation mobility  
9           requirements then in effect.

10          (D) Development activity within the 90-acre Drainage Easement, Developed Recreation and  
11          Conservation Area shall be consistent with Suwannee River Water Management District  
12          Permit number 4-87-00067 as it may be amended from time to time. Any utility crossing  
13          (including potable water, wastewater, electric and other utilities) between Units 2 and 5,  
14          as conceptually illustrated on the PD Layout Plan, shall be limited to an underground,  
15          non-open cut type crossing with no surface disturbance. This allowance of utility  
16          crossings is consistent with the City's Comprehensive Plan and the Planned Development  
17          objectives in the Land Development Code.

18          (E) The 90-acre Drainage Easement, Developed Recreation and Conservation Area and all  
19          other conservation areas shall be managed and maintained in accordance with the  
20          provisions of a conservation management plan and conservation easement, as approved  
21          by the City at the time of final plat approval. Drainage easements and utility easements  
22          shall be allowed in the conservation areas.

1 (F) A lift station shall be allowed to service Unit 5, Phase 2. If a lift station is utilized, the  
2 lift station location shall be located on a separate lot and shall be depicted as such on the  
3 plat.

4 (G) Each housing unit within Unit 5, Phase 2 shall be equipped with a residential sprinkler  
5 system in compliance with the current edition (at the time of issuance of a building  
6 permit) of the National Fire Protection Association NFPA 13D: Standard for the  
7 installation of sprinkler systems in one- and two-family dwellings and manufactured  
8 homes requirements for one-family dwellings.

9 (H) Access to Lots 1-36 (as conceptually depicted on the PD Layout Plan) in Unit 5, Phase 2  
10 shall be a minimum width of 50 feet, shall be constructed in accordance with the Public  
11 Works Design Manual as a public road and shall be dedicated to the City as provided in  
12 city code.

13 (I) In order to protect the wetlands and wetland buffer areas south of lots 29 and 34-36 in  
14 Unit 5, Phase 2 (as conceptually depicted on the PD Layout Plan), access to Lots 37-44  
15 (as conceptually depicted on the PD Layout Plan) shall be in the form of a private drive  
16 with a recorded perpetual public ingress/egress easement that includes a public utility  
17 easement in favor of the City. The cross-section for this public ingress/egress easement  
18 shall be a minimum 40-feet in width and shall include a shared pedestrian facility flush  
19 with the pavement with a design that is acceptable to and approved by the Public Works  
20 Department during design plat review.

21 (J) Encroachment of the public road and private drive into the 35-foot wetland buffer area is  
22 allowed in limited areas where site constraints exist in Unit 5, Phase 2. However, the  
23 overall average 50-foot wetland buffer shall be maintained.

1 (K) Existing trees that are shown to be preserved on the construction plans and that are  
 2 approved by the Urban Forestry Inspector may be used to meet the shade tree  
 3 requirements along the public roads and private drive in Unit 5, Phase 2. Tree barricades  
 4 shall be used during construction activities to protect existing trees that are shown to be  
 5 preserved and that will be used to meet the street shade tree requirement along the public  
 6 roads and private drive.

7 (L) Each lot in Unit 5, Phase 2 shall have a minimum area of 0.25 acres and shall meet the  
 8 dimensional requirements of the RSF-1 district, except that setbacks shall meet the  
 9 requirements in (M) below.

10 (M) Setbacks for lots in Unit 5, Phase 2:

11	Front	20 FT or the minimum front setback footage at the point where the lot
12		width is 85-feet.
13	Rear	15 FT
14	Side	7.5 FT
15	Side (street)	10 FT

16 **Section 4.** The development conditions and requirements in this ordinance shall remain  
 17 effective until such time as, upon either the City or the property owner filing a rezoning petition, the  
 18 City adopts an ordinance rezoning the property described in Section 1 of this ordinance to another  
 19 zoning district consistent with the Comprehensive Plan and Land Development Code.

20 **Section 5.** Any person who violates any provision of this ordinance shall be deemed guilty  
 21 of a municipal ordinance violation and shall be subject to fine or imprisonment as provided by  
 22 Section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,  
 23 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate

1 offense.

2 **Section 6.** If it is determined by the City Manager that a violation of this ordinance exists,  
3 the City Manager may issue and deliver an order to cease and desist from such violation in order to  
4 correct a violation, to preclude occupancy of the affected building or area, or to vacate the premises.  
5 The City Manager, through the City Attorney, may seek an injunction in a court of competent  
6 jurisdiction and seek any other remedy available at law.

7 **Section 7.** The City Manager or designee is authorized and directed to make the necessary  
8 changes to the Zoning Map Atlas to comply with this ordinance.

9 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
10 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
11 finding shall not affect the other provisions or applications of this ordinance that can be given  
12 effect without the invalid or unconstitutional provision or application, and to this end the  
13 provisions of this ordinance are declared severable.

14 **Section 9.** All other ordinances or parts of ordinances in conflict herewith are to the  
15 extent of such conflict hereby repealed effective of the effective date on this ordinance.

16 **Section 10.** This ordinance shall become effective immediately upon adoption.

17 **PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2017.

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Attest:

\_\_\_\_\_  
LAUREN POE  
MAYOR

Approved as to form and legality:

\_\_\_\_\_  
KURT M. LANNON  
CLERK OF THE COMMISSION

\_\_\_\_\_  
NICOLLE M. SHALLEY  
CITY ATTORNEY



1

2 This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

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4 This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2017.



February 2, 2017

Legal Description

Blues Creek Unit 5 – Phase 2

A portion of Section 10, Township 9 South, Range 19 East, City of Gainesville, Alachua County, Florida, being more particularly described as follows:

Begin at the Southwest corner of Blues Creek, Unit 5, Phase 1 as per plat thereof recorded in Plat Book 24, page 73 of the public records of Alachua County, Florida, said corner lying on the West line of the Northwest 1/4 of Section 10, Township 9 South, Range 19 East and run thence Easterly, along the South boundary of said Blues Creek, Unit 5, Phase 1 through the following four courses and distances:

- 1) North 83°09'46" East, 85.49 feet to a concrete monument (PCP PLS 2228)
- 2) North 89°41'18" East, 200.58 feet to a concrete monument (PCP PLS 2228)
- 3) North 74°58'28" East, 288.15 feet to a concrete monument (PCP PLS 2228)
- 4) South 80°15'52" East, 259.62 feet

to the Southeast corner of said Blues Creek, Unit 5, Phase 1, said corner lying on the West boundary of Blues Creek, Unit 4B as per plat thereof recorded in Plat Book "S", page 86 of said public records; thence Southeasterly, along said West boundary, through the following five courses and distances:

- 1) South 06°08'37" West, 72.97 feet to a concrete monument (PLS 4788)
- 2) South 74°39'53" West, 28.92 feet to a concrete monument (PLS 4788)
- 3) South 27°18'47" East, 155.45 feet to a rebar and cap (Steve Owen PLS 4788)
- 4) South 27°21'22" East, 251.86 feet to a concrete monument (PLS 4788)
- 5) South 25°34'45" East, 119.93 feet

to a rebar and cap (LB 3759) found at the Southernmost corner of Lot 15 of said Blues Creek Unit 4B; thence run South 18°04'45" East, along a line shown as the West boundary of Lot 23 of Blues Creek Unit 4 as originally platted in Plat Book "S", page 3 and vacated by Alachua County Resolution 95-44 as recorded in Official Records Book 2044, page 2038 et seq. of said public records, a distance of 258.47 feet to a point on the North boundary of that certain Easement for a drainage system described in Official Records Book 1371, page 160 et seq. of said public records; thence generally Westerly and Southerly, along the boundary of said Easement through the following fifteen courses and distances:

- 1) South 89°56'25" West, 609.89 feet
- 2) South 06°46'19" East, 146.98 feet
- 3) South 22°23'51" East, 175.00 feet
- 4) South 03°51'09" West, 215.00 feet
- 5) South 16°21'09" West, 195.00 feet
- 6) South 22°36'09" West, 735.00 feet
- 7) South 10°48'51" East, 345.00 feet
- 8) South 43°58'51" East, 135.00 feet
- 9) South 05°06'09" West, 120.00 feet
- 10) South 26°01'09" West, 350.00 feet
- 11) South 75°16'09" West, 15.00 feet
- 12) North 35°13'39" West, 216.48 feet
- 13) South 19°41'09" West, 80.00 feet
- 14) South 33°18'51" East, 75.00 feet
- 15) South 41°41'09" West, 110.76 feet

to a point on the West line of the Southwest 1/4 of said Section 10 lying 339.30 feet North of a concrete monument (no I.D.) found at the Southwest corner of said Section; thence North 00°22'56" West, along

the West line of said Southwest 1/4, a distance of 2311.86 feet to a concrete monument (no I.D.) found at the West 1/4 corner of said Section; thence North 00°24'32" West, along the West line of the Northwest 1/4 of said Section 10, a distance of 748.36 feet to the Point of Beginning.

Containing 36.70 acres, more or less.

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# ***Planned Development (PD) Report***

## ***Blues Creek Unit 5, Phase 2***

**Submitted to:**

City of Gainesville

**Prepared by:**

**eda** engineers-surveyors-planners, inc.

**Agents for:**

New Generation Home Builders, Inc. and Blues Creek Development

***October 6, 2015***

***Revised: December 1, 2015***

***December 21, 2015***

***February 1, 2017***

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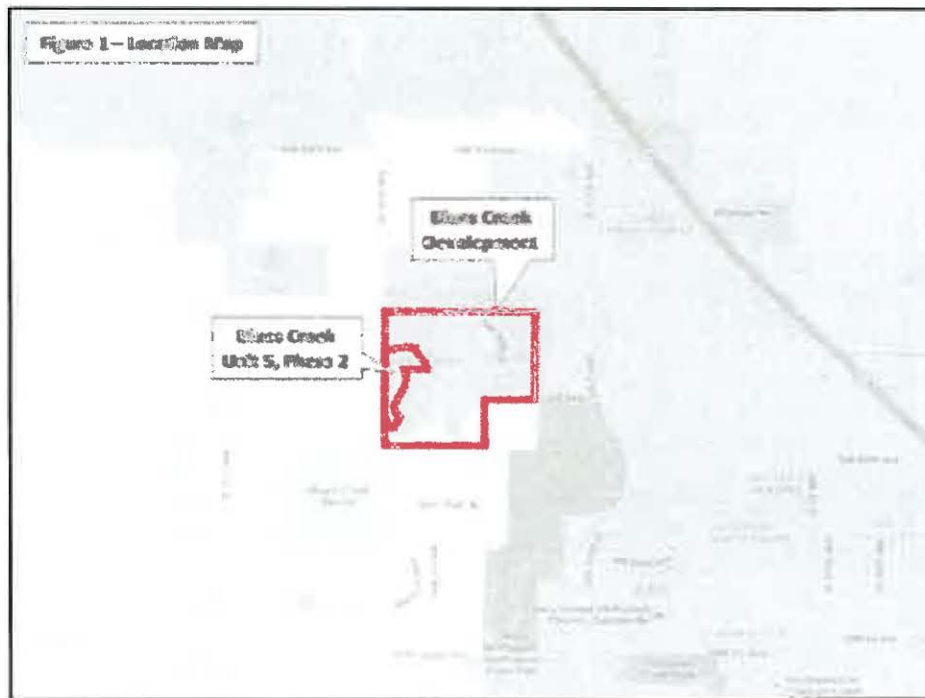
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## Background

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The overall Blues Creek development is located in northwest Gainesville and is west of NW 43<sup>rd</sup> Street, south of NW 81<sup>st</sup> Avenue, and generally north of NW 69<sup>th</sup> Lane. The western boundary of the Blues Creek development forms the western boundary of the City of Gainesville in that area. The map below (Figure 1) illustrates the general location.



The development of Blues Creek was originally approved as an Alachua County Planned Unit Development (PUD) by Zoning Resolution Z-81-68 that was adopted on July 21, 1981. The County PUD was further amended by a revised Master Plan for Blues Creek adopted and approved by Alachua County dated November 1999.

The entire Blues Creek development consists of approximately 300 acres. Portions of the overall Blues Creek PUD were annexed by the City of Gainesville by Ordinances 001161, 001162, 001163, 002393, and 040290. These annexations occurred in 2001, 2002, and 2005. At this time, approximately 91% (273.6 acres) of the development lies within Gainesville city limits.

Subsequent to the annexations, the City of Gainesville applied City future land use and zoning designations to the property. Consistent with the Alachua County PUD zoning designation, the City applied Planned Development (PD) zoning to the property via Ordinances 030472 (adopted 10/27/03) and 041187 (adopted 11/28/05). The PD allows for single-family detached and single-family attached units.

The 1999 Master Plan for Blues Creek allowed up to 615 residential dwelling units with a mix of single-family attached units and single-family detached units in multiple unit phases. To date, the Blues Creek development has substantially built out the phases originally approved in the Alachua County PUD. Units 1-4 and 6 are mostly

built out and are shown on the 1999 Master Plan for 305 single-family attached units and 170 single-family detached units. Unit 7 is platted for 16 lots (PB 28, PG 15) but is not developed/built. Unit 5 is partially completed with 10 single-family detached units (this is Phase 1 of Unit 5).

### Statement of Proposed Change

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This petition proposes a PD rezoning to reflect a proposed new Unit 5, Phase 2 subdivision of single-family detached lots. The project limits are indicated in the aerial map shown in Figure 2.





## Existing Future Land Use Designation

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The current Future Land Use designations on the overall Blues Creek PD are Single Family and Residential Low, as indicated on Figure 3 below:



Policy 4.1.1 of the Future Land Use Element defines the Single Family and Residential Low Land Use Categories as follows:

### *Single-Family (up to 8 units per acre)*

*This land use category shall allow single-family detached dwellings at densities up to 8 dwelling units per acre. The Single-Family land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development. Land development regulations shall determine the performance measures and gradations of density. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations in conjunction with single-family dwellings under certain limitations.*

### *Residential Low-Density (up to 12 units per acre)*

*This land use category shall allow dwellings at densities up to 12 units per acre. The Residential Low-Density land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land*

uses and development patterns, are appropriate for singlefamily development, particularly the conservation of existing traditional low density neighborhoods, single-family attached and zero-lot line development, and small-scale multifamily development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

As described above, the Single Family and Residential Low Future Land Use categories do support the existing residential types of uses within the Blues Creek development and support the implementation of the existing Planned Development zoning district.

### Existing Zoning District

The current zoning designation of the overall Blues Creek PD is Planned Development (PD), as indicated on Figure 4 below:



The Planned Unit Development zoning for Blues Creek was originally approved by Alachua County in 1981 with a revised Master Plan adopted by Alachua County dated November 1999. After annexations occurred, the City of Gainesville subsequently adopted Planned Development zoning for the properties on October 27, 2003 (Ordinance 030472) and on November 28, 2005 (Ordinance 041187).

## Proposed Zoning District

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This petition requests to amend the existing Blues Creek Planned Development zoning designation. Specifically, this application requests to adopt a new PD Layout Plan, development requirements and conditions, and a PD Report for Unit 5, Phase 2. The new PD Layout Plan changes the configuration of Unit 5 to reduce the number of single-family lots (a reduction of 28 lots), provide for alternative access in the form of a perpetual ingress/egress easement to minimize pavement and to avoid and protect wetland areas, and illustrate a conceptual location for the underground utility crossings between Units 5 and 2 (this is under the condition that it be a non-open cut crossing (no surface disturbance)).

## Consistency with Land Development Code

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### **Division 4 – Planned Development District**

#### **Sec. 30-211. - Purpose and intent.**

(a) *Purpose.* It is the purpose of this district to provide a method for landowners or developers to submit unique proposals which are not provided for or allowed in the zoning districts otherwise established by this chapter. In particular, these provisions allow a mix of residential and nonresidential uses and/or unique design features which might otherwise not be allowed in the district, but they must conform to all aspects of the comprehensive plan. Rezoning for planned developments (PDs) will be an entirely voluntary procedure.

**Consistency:** Blues Creek was approved as a Planned Unit Development in 1981 in Alachua County and PD zoning was adopted by the City Commission in 2003 and 2005. The overall PD development provides a mix of single-family dwellings and single-family attached units. Unit 5, Phase 2 is a unique project because of the existing environmental features and the time period over which development has occurred (regulations and jurisdiction have changed over time). The master plan/PD Layout Plan also provides innovative design for protecting wetland areas, wetland buffers, and recognizing that the property is located in the Strategic Ecosystem.

(b) *Objectives.* The PD provisions are intended to promote flexibility of design and integration of uses and structures, while at the same time retaining in the city commission the absolute authority to establish limitations and regulations thereon for the benefit of the public health, welfare and safety. By encouraging flexibility in the proposals which may be considered, while at the same time retaining control in the city commission over the approval or disapproval of such proposals, the PD provisions are designed to:

- (1) Permit outstanding and innovative residential and nonresidential developments with a building orientation generally toward streets and sidewalks; provide for an integration of housing types and accommodation of changing lifestyles within neighborhoods; and provide for design which encourages internal and external convenient and comfortable travel by foot, bicycle, and transit through such strategies as narrow streets, modest setbacks, front porches, connected streets, multiple connections to nearby land uses, and mixed uses.

**Consistency:** The proposed Blues Creek Unit 5, Phase 2 PD demonstrates an outstanding and innovative approach to protect wetlands, wetland buffers, and the Strategic Ecosystem. It utilizes a perpetual ingress/egress easement for 8 lots in the southern part of Unit 5, Phase 2 to avoid wetland impacts and promote Low Impact Development (LID) practices. Due to the location in the Strategic Ecosystem, a

**Conservation Management Area (CMA) will be established for the required set aside areas. This will be done as part of the final plat process.**

- (2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.

**Consistency:** The overall Blues Creek PD does allow flexibility for consumer preferences in housing type because it includes both single-family detached and single-family attached units in the overall PD. The reconfiguration of the single family detached lots in Unit 5, Phase 2 and proposed reduction in the number of lots provides the flexibility for an ingress/egress easement that promotes LID techniques to preserve environmental features and reduce pavement.

- (3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features, high quality heritage trees, and scenic vistas.

**Consistency:** The Blues Creek PD Layout plan illustrates a proposed subdivision layout that protects environmental features within the development. Unit 5, Phase 2 shows several conservation areas that will protect wetlands and wetland buffers.

- (4) Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.

**Consistency:** At this stage of development, a large majority of the roads and utility infrastructure have been constructed in Blues Creek. Unit 5, Phase 2 provides for a perpetual ingress/egress easement with a reduced pavement width to serve 8 single-family lots. This minimizes wetland and wetland buffer impacts and promotes LID techniques. Using a non-open cut underground utility crossing connection between Units 5 and 2 will provide underground utilities such as water, wastewater, and electric in a cost feasible fashion while minimizing environmental impacts.

- (5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.

**Consistency:** Blues Creek is a master planned project that provides a variety of housing styles and types. The PD and subdivision process ensures a coordinated and planned approach to the development. Blues Creek is a substantially built-out project. Unit 5, Phase 2 represents infill in a small area of the overall development.

- (6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.

**Consistency:** The overall design of Blues Creek provides for a coordinated development of single-family and single-family attached units with a design layout that protects environmentally sensitive areas. The PD Layout Plan for Unit 5, Phase 2 recognizes the relationship of the housing units to these areas and provides appropriate set asides interspersed throughout the development.

- (7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, streets canopied by large shade trees located within wide tree lawns or in tree wells constructed to allow sufficient space, and formal landscaping along streets and sidewalks.

**Consistency:** Blues Creek Unit 5, Phase 2 will provide for pedestrian connections to Unit 5, Phase 1 and other phases of the development. Lots 37-44 in Unit 5, Phase 2 will be connected by a shared pedestrian facility flush with the pavement (with a design that is acceptable to and approved by the Public Works Department) due to the need to protect wetland areas and minimize pavement through LID design. This area will have very low traffic due to the easement serving only 8 homes and pedestrians will be able to use the shared

pedestrian facility along the ingress/egress easement to connect to the sidewalk system in the northern portion.

**Sec. 30-216. - Requirements and evaluation of PD.**

The PD report shall address each item in the subsections below. In considering a proposed PD for approval, the city plan board and the city commission shall evaluate the proposal in consideration of these criteria:

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

**Consistency:** As indicated in this report, the Blues Creek Planned Development is consistent with the City of Gainesville Comprehensive Plan.

*(2) Concurrency.*

**Consistency:** Infrastructure improvements required in the overall Blues Creek PD have largely been constructed to date. The Unit 5, Phase 2 development will meet the concurrency standards in the Comprehensive Plan and will mitigate trips as per the criteria required in the Transportation Mobility Program Area (TMPA) for Zone B. Potable water and wastewater service capacity are available to serve the development. An application for Concurrency and Transportation Mobility Certification has been submitted to the City.

*(3) Internal compatibility.*

**Consistency:** The Blues Creek PD is a master planned community that provides a mix of residential dwelling unit types (single-family detached and single-family attached), which are compatible with each other and the environmental features at the site. All of the units in Unit 5, Phase 2 will be single-family detached. No issues of incompatibility between internal uses exist.

*(4) External compatibility.*

**Consistency:** The Blues Creek PD is compatible with the surrounding land uses. To the north is City single-family, which is compatible with the single-family designation for Blues Creek in that portion of the development. To the east of the development is conservation land owned by the City of Gainesville and single family designated land. The Blues Creek residential development is compatible with those categories. To the west, is University of Florida property that is included in the Campus Master Plan with a zoning of Agriculture. The single-family uses in in Unit 5 are compatible with the Agricultural use of the property. To the south of the PD is an existing residential subdivision with a Future Land Use designation of Alachua County Residential Low. The Blues Creek PD has designations of single family and residential low in this area, which are compatible.

*(5) Intensity of development.*

**Consistency:** The proposed PD for Blues Creek Unit 5, Phase 2 reduces the total number of single-family units within the development from what was originally proposed for Unit 5. The most recently adopted Blues Creek Master Plan allowed up to 82 single-family dwellings. The proposed PD for Unit 5, Phase 2 reduces that to 54, a reduction of 28 units. Therefore, there will a reduction in intensity within the development as a result of this PD.

*(6) Usable open spaces, plazas and recreation areas.*

**Consistency:** The overall Blues Creek PD provides for active recreation areas including a swimming pool, community building and tennis courts. In addition, there is a significant amount of open space in the

development that would allow for passive recreation. In addition, the large central area within the PD will remain undeveloped and will serve as additional passive recreation area/open space.

*(7) Environmental constraints.*

**Consistency:** There are environmental constraints within the proposed Unit 5, Phase 2 subdivision area and the portion of associated tax parcel 06006-002-000 that abuts Unit 5, Phase 2. The constraints include wetlands and strategic ecosystem. The Unit 5, Phase 2 layout is designed to avoid wetland areas and configure lots to avoid wetland buffer areas. Encroachment into the 35 foot wetland buffer area occurs in limited areas due to the site constraints. However, the overall average 50 foot wetland buffer is maintained. There are several conservation areas (set-aside areas) designated to protect on-site environmental resources.

*(8) External transportation access.*

**Consistency:** The overall Blues Creek development has access to external areas via NW 73<sup>rd</sup> Avenue to NW 43<sup>rd</sup> Street. In addition, there are pedestrian and vehicular connections to the north into the Westchester Cluster Subdivision. To the south, there is a pedestrian connection to the Deer Run Subdivision.

*(9) Internal transportation access.*

**Consistency:** The Blues Creek development has an internal road network that connects all units within the subdivision areas. In addition, there are sidewalks along the major roads in the subdivision. A perpetual ingress/egress easement with a shared pedestrian facility is proposed for internal transportation access to Lots 37-44 in Unit 5, Phase 2.

*(10) Provision for the range of transportation choices.*

**Consistency:** Blues Creek contains an internal roadway network for vehicular traffic that connects externally to NW 43<sup>rd</sup> Street where there is a sidewalk system on the west side of the roadway. There are sidewalks in portions of the development. At this time, there is no transit access to the development

**Sec. 30-217. - Unified control.**

*All land included in any PD shall be under the complete, unified, legal, otherwise-encumbered control of the applicant, whether the applicant be an individual, partnership, corporation, other entity, group or agency. Upon request of the city manager or designee, the applicant shall furnish the city sufficient evidence to the satisfaction of the city attorney that the applicant is in the complete, legal and unified control of the entire area of the proposed PD. Upon request of the city manager or designee, the applicant shall provide the city, for approval by the city attorney, all agreements, contracts, guarantees and other necessary documents and information that may be required by the city attorney to assure the city that the development project may be lawfully completed according to the plans sought to be approved. If any such documents are requested, the application shall not be considered by the city commission until the city attorney has certified in writing that the legal requirements of this section have been fully met. The applicant shall submit an agreement stating that the applicant will bind the successors and assigns in title to any commitments made in the adopted PD ordinance.*

**Consistency:** Unit 5, Phase 2 is under the control of New Generation Home Builders. Other portions of the overall PD are under the control of Blues Creek Development. Both New Generation Home Builders and Blues Creek Development have provided authorization for the PD application request.

**Sec. 30-218. - Phasing.**

*The city commission may permit or require the phasing or staging of a PD. When provisions for phasing are included in the development plan, each phase must be so planned and so related to previous development, surrounding properties and the available public facilities and services that a failure to proceed with subsequent*

*phases will have no adverse impact on the PD or surrounding properties. Concurrency certification is not reserved by PD phasing.*

**Consistency:** Phasing in the development is in the form of subdivision plat units. Most of the units are built out. The only unplatted phase is Unit 5, Phase 2, which is proposed for a design plat in a separate application.

**Sec. 30-219. - Development time limits.**

*The city commission may establish reasonable periods of time for the completion of any dedicated public facilities within a PD, facilities planned for common areas, and the total PD. If phasing is provided for, time limits for the completion of each phase shall also be established or may be deferred until development review. Any such limit may be extended by the city commission, plan board or development review board for reasonable periods upon the petition of an applicant for an amendment to the PD layout plan or development plan and based upon good cause, as determined by the city commission. Any such extension shall not automatically extend the normal expiration date of a building permit, site plan approval or other development order. If time limits contained in the approved PD layout plan are not complied with and not extended for good cause, the city commission may rezone the property or any part of it, or amend the approved development plan, so as to best protect adjoining properties and the public health, welfare or safety. Failure to complete phasing on schedule shall require a new concurrency review and appropriate concurrency permit.*

**Consistency:** Blues Creek PD is substantially built out at the current time.

**Sec. 30-224. - Amendments to approved planned development.**

*(a) Except as noted in subsections (b) and (c) of this section, an amendment to an approved PD (except for an extension of a time limit) must be accomplished only by a rezoning petition and ordinance accompanied by a new proposed PD. All appropriate maps, plans and reports submitted with the approved PD layout plan may be resubmitted with the rezoning petition, along with sufficient new maps, plans and reports to clearly and thoroughly indicate the proposed changes, as the new proposed PD layout plan.*

**Consistency:** So noted. This application serves as a request to amend the approved Blues Creek Planned Development as to Unit 5, Phase 2.

**Responses to City Application Questions**

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**A&B. Surrounding/Adjacent Land Uses**

The following land uses currently exist on the adjacent properties:

**North:** To the north of the PD are single family residences in the Westchester Cluster subdivision.

**East:** To the east of the PD there are single family residences and vacant conservation area owned by the City of Gainesville.

**South:** To the south of the PD are single family residential properties.

**West:** To the west of the PD is property owned by the University of Florida that is part of the Campus Master Plan that is used for an IFAS facility for agricultural research.

Upon analyzing the existing land use pattern, the proposed PD for Unit 5, Phase 2 will not negatively affect the nature of the existing development pattern in the area because it consists of compatible single family development. The Blues Creek PD compatibility will not substantively change as a result of the proposed PD for Unit 5, Phase 2.

**Figure 5: Surrounding Property Uses, Future Land Use and Zoning Designations**

Direction	FLU Designation	Zoning	Existing Use
North	Single Family Residential	RSF-1	Single-family dwellings
South	Alachua County Residential Low	Alachua County PD and R-1A	Single-family dwellings
East	Single Family, Conservation, and Alachua County Residential Low	RSF-1, CON, and PD	Single-family dwellings and vacant conservation land
West	Alachua County UF Campus Master Plan	Alachua County Agriculture	UF/IFAS Facility

**C. Development Impacts**

**a. Impact to Residential Streets**

The proposed Blues Creek Unit 5, Phase 2 PD will add 44 additional single-family dwelling units to the residential streets within the Blues Creek development. This is estimated to be an additional 419 average daily trips and 44 p.m. peak hour trips of adjacent street traffic.

**b. Impact on Noise and Lighting**

The proposed Unit 5, Phase 2 development area, as identified on the PD Layout Plan, will contain single family detached dwellings. There are no significant impacts from noise or lighting anticipated from this development, which is compatible with surrounding residential subdivision areas within the overall PD. Protections provided by the City, such as the noise ordinance, will be enforced as part of any activity within the area. In addition, light trespass restrictions provide standards for mitigation of impacts that are enforced as part of the development review process.

**D. Environmental Resources**

There are environmental resources located on portions of the property that are the subject of the Blues Creek Unit 5, Phase 2 PD. A separate environmental report documenting these resources has been prepared by Ecosystem Research Corporation, and it is included as part of the backup materials. Wetland areas and wetland



buffer areas in Unit 5, Phase 2 are included within conservation areas shown on the Unit 5, Phase 2 PD Layout Plan. These areas are proposed to be set aside from development. Areas labeled on the existing master plan as “drainage easement, developed recreation & conservation area” and other conservation areas will become a Conservation Management Area (CMA) to meet strategic ecosystem set aside requirements and provide additional protections to this undeveloped land. Conservation areas in Unit 5, Phase 2 that are set aside as established Conservation Management Areas shall be managed and maintained in accordance with the approved Conservation Management Area Management Plan. Conservation Management Areas will retain PD zoning consistent with the Planned Development zoning ordinance.

#### **E. Historic Resources**

The project area does not contain any known historic structures or any identified archaeological resources deemed significant by the state.

#### **F. Development Pattern and Community Contribution**

Unit 5, Phase 2 of the Blues Creek Planned Development is located in an already established subdivision in the northwest, urbanized portion of the City of Gainesville. This Unit/Phase has been established as an area permitted for single family development on the existing, approved PD Master Plan. A substantial portion of the infrastructure is available and has already been constructed by the development. The development pattern in this northwest area is well established by surrounding single family subdivisions north and south of the development (both inside and outside of Gainesville city limits). The additional units available in Unit 5, Phase 2 will contribute to the available single family housing stock in Gainesville city limits.

#### **G. Long-Term Economic Benefits**

The proposed Blues Creek Unit 5, Phase 2 PD will be consistent with the development pattern found in the surrounding area. New development activity and investment will support the City’s Economic Development goals to promote infill development, offer high quality of living opportunities, support compact urban development and raise the tax base.

#### **H. Level of Services Standards**

Phase 1 of Unit 5 is already built and contains 10 lots. Unit 5, Phase 2 may contain up to 44 single family dwelling units. Therefore, the Blues Creek Unit 5, Phase 2 PD will result in a reduction of impacts to level of service standards from the original PD.

##### **a. Roadways**

The overall Blues Creek PD has substantially built out, which also includes the associated road infrastructure. Unit 5 Phase 2 is located in Zone B of the City’s Transportation Mobility Program Area (TMPA). Based on the estimated trip generation of 419 average daily trips, the associated design plat and final plat will be required to meet at least 5 criteria as stated in Transportation Mobility Element Policy 10.1.6 for Zone B.

**b. Recreation**

The proposed PD for Unit 5, Phase 2 adds 44 units in the Blues Creek development. Using the 2010 Census persons per household estimate of 2.25, it is estimated that Unit 5, Phase 2 will add 99 additional persons. The City of Gainesville Recreation level of service (LOS) standards are based on acres per 1,000 people. The minimal addition of 99 people will not negatively impact the adopted LOS standards for park acreages.

**c. Water and Wastewater**

The property is currently served with both water, wastewater and electric by Gainesville Regional Utilities at capacities suitable to serve the development. Access to these utilities have been planned previously to serve Unit 5, Phase 2.

**d. Solid Waste**

Solid waste will not exceed Gainesville’s established Level of Service Standard of 0.655 tons of solid waste per capita per year disposed (3.6 pounds solid waste per capita per day disposed). Collection of solid waste will not exceed Gainesville’s established Level of Service Standard of 1.07 tons of solid waste per capita per year collected (5.9 pounds of solid waste per capita per day collected).

**e. Mass Transit**

RTS service not currently available for the Blues Creek Planned Development. The closest transit route is Route 40 that serves Hunters Crossing (at NW 43<sup>rd</sup> Street and NW 53<sup>rd</sup> Avenue) to the Hub at the UF Campus.

**f. Schools**

Unit 5, Phase 2 of the Blues Creek PD falls within the following public school concurrency areas: Elementary: Talbot; Middle: Mebane; and High School: Santa Fe. Other portions of the Blues Creek PD are served by Ft. Clarke Middle School and Gainesville High School.

**I. Site Accessibility**

The subject property has vehicular access to NW 43<sup>rd</sup> Street via NW 73<sup>rd</sup> Avenue. In addition, there is a partial sidewalk system along NW 73<sup>rd</sup> Avenue that does not fully connect to NW 43<sup>rd</sup> Street. There are also pedestrian and vehicular connections to the north into the Westchester Cluster Subdivision along NW 51<sup>st</sup> Drive. The connection into the Westchester Cluster Subdivision also provides pedestrian and vehicular access to NW 43<sup>rd</sup> Street. To the south, there is a pedestrian connection to the Deer Run Subdivision.

**Comprehensive Plan Consistency**

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The proposed Blues Creek Unit 5, Phase 2 Planned Development is consistent with the City’s Comprehensive Plan. The following Future Land Use Element objectives and policies are applicable to the Planned Development:

#### **Objective 4.1**

*The City shall establish land use designations that allow sufficient acreage for residential, commercial, mixed use, office, industrial, education, agricultural, recreation, conservation, public facility and institutional uses at appropriate locations to meet the needs of the proposed population and that allow flexibility for the City to consider unique, innovative, and carefully construed proposals that are in keeping with the surrounding character and environmental conditions of specific sites.*

**Consistency:** This objective supports allocation of land for a wide range of land uses within the City of Gainesville. Included in those uses that are supported are single family and single-family attached residential uses as found in the overall Blues Creek Planned Development.

#### **Policy 4.1.1**

*Land use categories on the Future Land Use Map shall be defined as follows:*

##### *Single-Family (up to 8 units per acre)*

*This land use category shall allow single-family detached dwellings at densities up to 8 dwelling units per acre. The Single-Family land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development. Land development regulations shall determine the performance measures and gradations of density. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community-level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations in conjunction with single-family dwellings under certain limitations.*

**Consistency:** As described in the Comprehensive Plan policies above, the Single Family Future Land Use designation does support the single-family residential use found within the proposed Blues Creek Unit 5, Phase 2 Planned Development.

**GOAL 3 ACHIEVE THE HIGHEST LONG-TERM QUALITY OF LIFE FOR ALL GAINESVILLE RESIDENTS CONSISTENT WITH SOUND SOCIAL, ECONOMIC, AND ENVIRONMENTAL PRINCIPLES THROUGH LAND DEVELOPMENT PRACTICES THAT MINIMIZE DETRIMENTAL IMPACTS TO THE LAND, NATURAL RESOURCES, AND URBAN INFRASTRUCTURE.**

*Objective 3.1 The City shall protect environmentally sensitive land, conserve natural resources, and maintain open spaces identified in the Future Land Use Map Series through the Development Review Process and land acquisition programs.*

*Policy 3.1.1 Standards and guidelines established in Conservation, Open Space, and Groundwater Recharge Element Objective 1.1 and its Policies shall be used to protect identified environmentally sensitive resources.*

**Consistency:** As described in the Comprehensive Plan policies above, the proposed PD is consistent with the protection of the environmentally sensitive areas in Unit 5, Phase 2 through the reduction in the number of lots, protection of wetland areas, use of a perpetual ingress/egress easement to minimize pavement and promote LID techniques, and designation of conservation areas that are proposed to be set aside from development.

## Conclusion

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As stated in this report, the Blues Creek Planned Development is substantially completed, which includes the site infrastructure. The primary intent of the Blues Creek Unit 5, Phase 2 PD is to change the lot configuration in Unit 5, Phase 2 to reduce the total number of single-family units allowed in that section and propose an improved subdivision design to avoid environmentally sensitive areas to the greatest extent reasonably possible. Other changes include: a provision for alternative access in the form of a perpetual ingress/egress easement to protect wetland areas for the southern portion of Unit 5, Phase 2 and illustration of a conceptual location for the non-open cut underground utility crossing between Units 5 and 2. Additional changes provide development standards for Unit 5, Phase 2, include a trip generation note for Unit 5, Phase 2, and add the condition that all housing units in this phase must be sprinkled for fire safety. These proposed changes in the Blues Creek Unit 5, Phase 2 PD will not affect the intent and character of the original PD and are consistent with the City of Gainesville Comprehensive Plan and are in conformance with the Planned Development objectives in the Land Development Code.