

Nalbandian Exhibits



Planning & Development Services

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February 16, 2010

Mr. Karl J. Sanders, Esq.
Edwards Cohen
6 East Bay St., Suite 500
Jacksonville, FL 32202

3/4/2010
subm Had e meeting
090763

Re: Petition PB-09-114PSZ/PB-09-161PDV

City staff has reviewed your letter dated February 1, 2010, received via electronic mail, in regard to the One-Stop Homeless Assistance Center. In your letter you state that you represent Nalbandian Properties, LLC, owner of the Northwood Commercial Park on Northwest 53rd Avenue, and that the City's Land Development Regulations precludes consideration of the current rezoning petition (PB-09-161PDV) at this time. The reason given for your interpretation is that the petition must be withdrawn at a public hearing, and a new petition cannot be considered unless the city commission waives the 12-month prohibition on refiling. As authority for this conclusion, you cite Sections 30-347.6 and 30-347.7 of the Land Development Regulations.

Additional
work
to be
provided
by
e-mail
(KL)

City records show that on August 12, 2009, Rory Causseaux, on behalf of the City of Gainesville, filed an application to rezone approximately 11 acres more or less for General Industrial (1-2) to a Public Service (PS) designation to allow a one-stop homeless assessment center. The application was assigned petition number PB-09-114PSZ by using the Innoprise Computer System. Staff reviewed the application and noted that it had not been signed by the owner of the property. On August 18, 2009, the City received a signed application and affidavit. Staff reviewed the application and provided the applicant with comments for the September 2, 2009, Technical Review Committee meeting with the applicant. The advertising for the Plan Board meeting was sent to the Gainesville Sun on September 2, to be run on September 8, and mailed notices were sent out on September 8, 2009. (Note that the advertising is usually done prior to receiving the applicant's responses or knowing whether the petition will actually go on the agenda in order to maintain the schedule.)

On September 9, 2009, the applicant submitted a revised rezoning application to address staff issues. Prior to the September 24, 2009, Plan Board Meeting, it was decided that the petition was not ready to be reviewed by the Plan Board. Due to the fact that the petition had been advertised for the Plan Board's agenda, staff provided the Board with a recommendation to continue the item to October 22, 2009. The only information that the Plan Board received was a letter asking for the continuation by staff, and the Board did not review the petition. The item was not placed on the October 22, 2009 agenda, because it was not ready to be heard.

On November 10, 2009, the applicant submitted a revised application requesting to rezone a smaller portion of the same property, namely 9.78 acres more or less, and to change the zoning from General Industrial (1-2) to Planned Development (PD) for the same use, namely a one stop homeless assessment center. The application was received and assigned the same petition number PB-09-114, by city staff, as shown on the application received. The suffix PSZ was changed to PDV to reflect the request to rezone to Planned Development. The application was not considered a new application because the applicant had not withdrawn the previous application, and the petition involved almost the same property for the same use. When trying to determine how to enter the revised application in our new computer tracking system (Innoprise), the system automatically gave it a new number, namely PB-09-161PDV, based on the sequence it was received in the department.

It is staff opinion that since this petition was never heard by the Plan Board, the petition could be revised by the applicant based on issues raised during the TRC's review of the application. Based on the record, since the information contained in the application for the PS zoning is virtually the same for the PD zoning, and the rezoning is for a smaller portion of the same property, staff considers the application submitted on November 10, 2009 as a revised petition. Staff interprets section 30-347.6 to only apply to withdrawn applications; there is nothing in the record that would indicate that the applicant asked for the petition to be withdrawn. The Petition filed on November 10, 2009, was assigned the same petition number by city staff, and treated as a revised petition for all purposes. The City's new automated computer system, Innoprise Computer System, automatically assigned the petition anew number. However, the assignment of a new petition number should not control as to how the petition should be treated. To avoid confusion, City staff will retain the new number on the petition, but treat it as a revised petition.

Additionally, there is nothing in the Land Development Code that provides that an application (petition) is automatically withdrawn if it is not brought back to a board after it is advertised. It has been staff's practice that if a petition was not heard by a Board, that it could be revised prior to going to the board. This practice is well accepted by the development industry and it would be unfair to require a petitioner/developer to file a new petition with attendant filing fees each time a revision or amendment to an application is filed prior to a hearing by the appropriate board.

Sincerely,



Ralph Hilliard
Planning Manager

CC: Erik Bredfelt, Planning and Development Services Director
Marlon Radson, City Attorney

CITY
OF
GAINESVILLE

INTER-OFFICE COMMUNICATION

Item No. 2.

TO: City Plan Board

DATE: September 24, 2009

FROM: Planning Division Staff

SUBJECT: Petition PB-09-114 Causseaux, Hewett and Walpole, agent for ADC Development and Investment Group, LLC. Rezone to PS (Public services and operations district) from I-2 (General industrial district) to establish permitted uses and development standards for construction of a one-stop homeless assessment center with residences, health care, and food distribution. Located at 820 Northwest 53rd Ave.

Recommendation

Staff recommends continuation of this petition to the October 22, 2009 Plan Board meeting.

Respectfully submitted,



Ralph Hilliard
Planning Manager

E-mail 7-2-09
To Planni 7-2-09



First Step Appointment Form

A Permit and Development Assistance Center

Owner/Agent SAM BRIDGES Phone 5404

Other LARRY ABBOTT Referred by _____

Appointment Date 7-6-09 Day MONDAY Time 10:00

Location of Proposed Project CURRENTLY VACANT
NW 53 AVE.

Description of Proposed Project MINOR OR LOT SPLIT
(Sq ft /# of bldgs & stories if applicable) 11,000 SF

IN PREPARATION OF ONE STOP Homeless Center

Map# 3250 Parcel # 7877-001-004

Zoning 12 Historic NO

Ent. Zone NO SAP NO

Building NANCY Public Works RICK GRU ELLEN

Solid Waste _____ Fire Safety DANIEL GPD _____

CRA _____ Econ. Dev. _____

Planning Current LAWRENCE Planning Comprehensive ONELIA

Comments 12.67 ACRES APPROX. PURCHASE

100' easement per sam public vs private needs to check

ELLEN-elec service Jim Mathews - GAS NOT AVAILABLE

GRU.COM AVAILABLE - MAY NEED TO UPGRADE

WATER LINE TO MEET FIRE FLOW DEMAND

SEWER- NEED LIFT STATION- GREASE TRAP APPLICATION

IN SECONDARY Wellfield - Fee RATE INCREASE

OCT 1ST

INGRESS - Egress - issues could be expensive -

ilities allowed to go through wetlands" ~~RETRACT~~

fire

DAN - LOOKS LIKE FIRE SPRINKLERS + ALARMS
WILL BE REQUIRED - EXHAUST HOODS + SUPPRESSION
SYSTEMS

Occupancy type
Plan review check list

will need - Fire hydrant within 500'
Fire flow calculations

Public Works

REQUIRES 2 WAY PAVED ACCESS

MARK GARIAND HAS WALKED SITE

Traffic Study required y/n - POSSIBLY - 50 PM PEAK TRIPS
Stormwater management required y/n NEED ENGINEER

TCEA-Concurrency

MOST RESIDENTS WILL NOT OWN VEHICLES

Zone A, B or C

Long form or short form

NOT STORING HAZARDOUS MATERIALS

DO CONTRACT SUBJECT TO CITY APPROVALS -

Planning

LAWRENCE - LAND USE + ZONING NEED TO BE CHANGED

PROBABLY PF + PS ANNEXED IN 1992 - LEGAL LOTS

MINOR SUB DIVISION - SURVEYOR

CITY ATTORNEY MAY APPROVE ZONING CHANGE

AND NOT REQUIRE LAND USE CHANGE -

Setbacks

F _____ R _____ SS _____ SI _____

Parking

yes

RALPH LEFT MEETING AROUND 11:00

Vehicle-

LC SAID TO GET W/RALPH ON

Bike-

LAND USE ZONING DISCUSSION -

Motorcycle-

yes

Landscaping/sidewalks

CITY PLANNING ON SIDEWALK ON WEST SIDE
AND BUS SHELTER

Lighting

Level of Review

IDENTIFY USES

PS - GENERAL PLAN
LAYOUT OF LOT
BUILDINGS
OPEN SPACE

Neighborhood Workshop required y/n

Building

Site Plan review check list

Table 500

FL Reg. Eng.

FL Reg. Arch

St. Certified Contractor

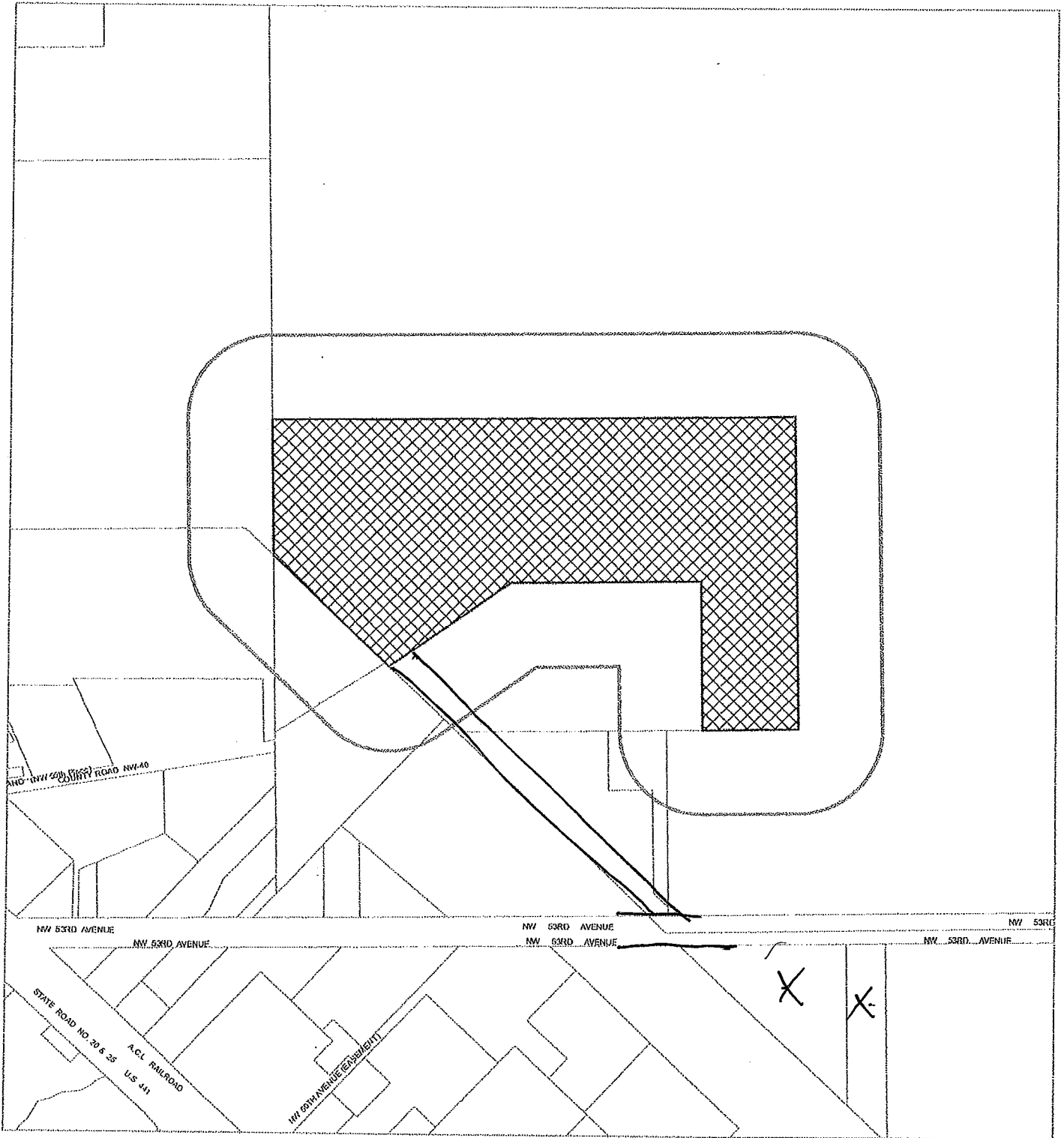
LAND USE + ZONING

APPROX - 4 TO 6 MONTHS

PROBABLY - 6 ACRES TO BE DEVELOPED
SMALL SCALE -

Building Permits required

- OFF SITE SIGNAGE NOT ALLOWED



Proposed One-Stop Center for Homelessness
 Small-Scale FLUM Change, Rezoning and Special
 Use Permit applications.

Parcel #07877-001-004

400-Foot Notification Radius

Prepared by: Department of Community Development
 City of Gainesville, Florida
 7.23.2009



1 inch = 708 feet

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