

090200
Citizen Comment
8/20/09

Barbara A Ruth
320 NW 36th Ave
Gainesville, Florida 32609
352-379-5891

August 13, 2009

Members of the Development Review Board,

I have no objections per se to the proposed development associated with:

Petition DB-09-89 SPA

**Eng, Denman, and Associates, Inc., agent for City of
Gainesville. Development plan review for construction of
addition to existing administrative office building. Zoned:
PS. Located at 405 NW 39th Ave.**

However, because the ordinance placing PS classification on this parcel does not specify the specific permitted uses allowed on the parcel, it is impossible for you to make a determination of compliance as to whether the proposed use is actually a permitted use or not, and you must therefore deny this petition.

The code states that when a parcel is rezoned to PS, each specific use to be permitted on that parcel is to be clearly specified in the ordinance placing PS classification on the parcel. The city did not do this when it rezoned this parcel, and hence there are no specific uses specified as permitted uses on the site. This is a deficiency that occurred during the rezoning process, and which the city has persistently refused to address. Presently, the adjacent neighborhood never knows what the city is going to try to do next.

"Sec. 30-75. Public services and operations district (PS).

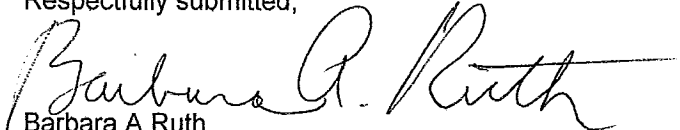
(c) Uses permitted by right. The specific use(s) permitted on the subject property shall be specified as a part of the ordinance which places this classification on a particular area of ground and may include"

The specific uses permitted on this parcel are not included in the rezoning ordinance. This rezoning deficiency must be corrected before *any* site plan can be approved on this parcel.

Attached is a recent PS rezoning ordinance. The requirement that each specific permitted use be specified in the rezoning ordinance was the same when the PWC parcel was rezoned as it is now. Please see Section 2 of the rezoning ordinance.

This matter should be referred to the City Commission.

Respectfully submitted,



Barbara A Ruth
Registered Affected Party Member of Petition DB-09-89 SPA

Cc: Clerk of the DRB:
Gainesville City Commission
Clerk of the City Commission

1 **WHEREAS**, the public hearing was held pursuant to the published and mailed notice
2 described above at which hearing the parties in interest and all others had an opportunity to be
3 and were, in fact, 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 rezoning the
7 following described property from the zoning category of "RSF-4: 8 units/acre single-family
8 residential district" to "PS: Public services and operations district:

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

11
12 **Section 2.** The uses permitted by right on the property described in Section 1 of this
13 Ordinance are as follows:

- 14 a) Museum and exhibit space
- 15 b) Recreation/Community Center
- 16 c) Administrative office accessory to the center
- 17 d) Theatre, movies, performances and lectures
- 18 e) Classrooms
- 19 f) Meeting rooms
- 20 g) Accessory uses: gift shop/sandwich shop/ice cream parlor

21 **Section 3.** The City Commission finds that a preliminary development plan is not
22 required in connection with this rezoning.

LEGAL DESCRIPTION

Lots 13 and 14, Block 4, Range 1 of ROPER'S ADDITION TO THE CITY OF GAINESVILLE, according to plat recorded in Deed Book "J", page 550, of the Public Records of Alachua County, Florida, lying and being in the South ½ of Section 4, Township 10 South, Range 20 East.

EXHIBIT "A"