

Legistar #

161008

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

ALACHUA COUNTY,
a political subdivision of the State of Florida

Petitioner,

DOAH case No.: _____

v.

CITY OF GAINESVILLE,
a municipal corporation

Respondent.

_____ /

**PETITION FOR FORMAL ADMINISTRATIVE HEARING
TO CHALLENGE COMPREHENSIVE PLAN AMENDMENT**

Pursuant to Sections 120.569, 120.57(1) and 163.3184(5), Florida Statutes (2016), and Rule 28-106.201, Florida Administrative Code (2016), Petitioner, Alachua County ("Alachua County"), respectfully files this challenge to City of Gainesville Ordinance No. 160398, amending its Comprehensive Plan Future Land Use Map, and requests a formal administrative hearing and a ruling that the City FLUM amendment is not "in compliance" as set forth in Section 163.3184(1)(b), Florida Statutes. In support of this petition, Petitioner states as follows:

Background

1. On March 2, 2017, City of Gainesville ("Respondent") adopted Ordinance No.160398, attached as Exhibit A, amending the City of Gainesville Comprehensive Plan, to add approximately 157 acres to its Future Land Use Map by changing the future land use categories adopted for this property on the Future Land Use Map of the

Alachua County Comprehensive Plan to the City of Gainesville future land use categories of "Mixed-Use Medium Intensity" (12-30 units per acre), "Mixed-Use Low Intensity" (8-30 units per acre), "Residential Low-Density" (up to 12 units per acre), and "Single-Family" (up to 8 units per acre) ("City FLUM amendment"). Ordinance 160938 amending the City of Gainesville Comprehensive Plan did not include any changes to the goals, objectives and policies of the adopted City of Gainesville Comprehensive Plan. The City FLUM amendment is currently under review for compliance by the Florida Department of Economic Opportunity (FDEO reference number "Gainesville 16-3ESR").

2. The property that is the subject of the City FLUM amendment ("subject property") is currently undeveloped, and is located generally between Interstate 75 and SW 75th Street (Tower Road). The subject property contains two separate areas: the larger western portion is located north and west of SW 20th Avenue/SW 24th Avenue, and the smaller eastern portion is located south of SW 20th Avenue.



3. On June 16, 2016, the subject property was annexed by City of Gainesville Ordinance No. 150912.

4. The subject property is surrounded by areas that are within unincorporated Alachua County and are governed by the Alachua County Comprehensive Plan, with the exception of the Gainesville incorporated area located generally south and southeast of the subject property.

5. The supporting data and analysis for the City FLUM amendment estimates that, based on Respondent's newly-assigned future land use categories, there could be

approximately 2,251 new residential dwelling units and 145,500 square feet of new non-residential floor area that could be developed on the subject property, and that this estimated new development could generate approximately 31,925 vehicle trips per day (Annual Average Daily Trips) on the surrounding road network, which consists primarily of County-maintained roads west of Interstate 75.

6. The subject property abuts and would be directly served by SW 75th Street (Tower Road) and SW 24th Avenue/SW 20th Avenue only, both of which are County-maintained minor arterial roads.

7. The Alachua County Comprehensive Plan, Transportation Mobility Element, includes a long range transportation plan, which identifies area-wide level of service standards for multimodal transportation within designated "Transportation Mobility Districts." The Alachua County Comprehensive Plan, Capital Improvements Element identifies transportation capital improvement projects and corresponding funding sources to provide for and maintain the adopted area-wide level of service standard for multimodal transportation within the designated "Transportation Mobility Districts." The subject property is located within the "Southwest Transportation Mobility District" as designated in the Alachua County Comprehensive Plan, which includes SW 75th Street (Tower Road) and SW 24th Avenue, the two primary roads that serve the subject property.

8. Alachua County implements its long range transportation plan in part through a Multimodal Transportation Mitigation Program, whereby the impacts of new development on transportation facilities within designated "Transportation Mobility Districts" are mitigated through a payment to Alachua County by the developer.

Revenues derived from such mitigation payments to the County are used to fund transportation capital improvement projects identified in the Capital Improvements Element of the Alachua County Comprehensive Plan that are needed to maintain the adopted area-wide level of service standards for the County transportation network.

9. If the subject property had been developed in unincorporated Alachua County, the development would have been required to pay multimodal transportation mitigation to mitigate its impacts on the County road network, and those fees would have funded transportation capital improvement projects needed to maintain the area-wide level of service standard for multimodal transportation in the County's designated "Southwest Transportation Mobility District." The Capital Improvements Element of the County's Comprehensive Plan includes transportation capacity projects such as the four-laning of the SW 20th Avenue bridge over Interstate 75 as well as intersection and turn lane enhancements to SW 24th /SW 20th Avenue and SW 75th Street (Tower Road).

10. The City of Gainesville Comprehensive Plan does not include a transportation plan which identifies transportation capital improvement needs or funding sources for areas west of Interstate 75 that are part of the County's transportation system.

11. The County's transportation capacity projects will not be funded because of the City FLUM amendment.

Statement of the Issue

12. Whether the City FLUM amendment is not "in compliance" with Chapter 163, Florida Statutes ("Fla. Stat."), and violates Florida law.

Parties

13. Petitioner, Alachua County, is a political subdivision of the state of Florida. For the purpose of this Petition, Alachua County's representative's mailing address is Sylvia E. Torres, Esq., 12 SE 1st Street, Gainesville, Florida 32601, email address is storres@alachuacounty.us, and telephone phone number 352-374-5218.

14. Respondent, City of Gainesville, is a Florida municipal corporation, with an address of 200 East University Avenue, Gainesville, Florida 32601.

Petitioner's Substantial Interests

15. Alachua County meets the definition of an "affected person" as defined in Section 163.3184(1)(a), Fla. Stat., as an "adjoining local government[] that can demonstrate that the plan or plan amendment will produce substantial impacts on the increased need for publicly funded infrastructure or substantial impacts on areas designated for protection or special treatment within [its] jurisdiction." The subject property is only directly served by the Alachua County road system as defined in Section 334.03(3), Fla. Stat. The subject property is not directly served by Respondent's street system as defined in Section 334.03(3), Fla. Stat. Respondent's data and analysis for the City FLUM amendment indicates the potential to generate 31,925 Average Annual Daily Trips. All of these trips would impact the Alachua County road system and transportation network. Each of the two roadways which directly serve the subject property will be impacted outside Respondent's jurisdiction and within the area of maintenance responsibility of Alachua County. The trip generation from the subject property has the potential to increase traffic volumes on the two Alachua County

minor arterial roadways directly serving to the property. This will have a substantial impact on the increased need for publically funded transportation infrastructure. The City FLUM amendment does not address transportation capacity needs of the area.

Notice of Proposed Agency Action

16. Alachua County received notice of Gainesville's adoption of the City FLUM amendment on March 6, 2017. Exhibit B: Notice Letter to Alachua County from Respondent.

Procedural Background

17. On September 21, 2016, Alachua County provided written comments and concerns to Respondent regarding the proposed City FLUM amendment's substantial impact on Alachua County. Exhibit C: Alachua County Comment Letter, Sept. 21, 2016.

18. On September 22, 2016, the City Plan Board (the City local planning agency) held a public hearing and voted to recommend that the Gainesville City Commission approve the proposed City FLUM amendment. Alachua County attended this hearing and voiced comments and concerns to the City Plan Board regarding the City FLUM amendment's substantial impact on Alachua County.

19. On December 15, 2016, the Gainesville City Commission adopted the City FLUM amendment on first reading and approved transmittal of the City FLUM amendment to review agencies for comment pursuant to Section 163.3184(3)(b), Fla. Stat.

20. On January 17, 2017, Alachua County again provided written comments and concerns to Respondent regarding the City FLUM amendment's substantial impact on Alachua County. Exhibit D: Alachua County Comment Letter, Jan. 17, 2017.

21. On March 2, 2017, the City of Gainesville Commission adopted the City FLUM amendment on second reading.

Disputed Issues of Material Fact and/or Law

22. Alachua County sets forth the following disputed issues, below, and Alachua County reserves the right to amend and supplement these disputed issues:

- a. Whether the City FLUM amendment is not based upon relevant and appropriate data and analysis and is, therefore, not "in compliance" with Section 163.3177(1)(f), Fla. Stat.;
- b. Whether the City FLUM amendment and its Transportation Mobility Element are not internally consistent and are, therefore, not "in compliance" with Section 163.3177(2), Fla. Stat.;
- c. Whether the City FLUM amendment and its Capital Improvement Element are not internally consistent and are, therefore, not "in compliance" with Section 163.3177(2), Fla. Stat.;
- d. Whether the City FLUM amendment and its Intergovernmental Coordination Element are not internally consistent and are, therefore, not "in compliance" with Section 163.3177(2), Fla. Stat.; and
- e. Whether Respondent's failure to coordinate the City FLUM amendment with Alachua County's Comprehensive Plan renders the Gainesville

Comprehensive Plan not "in compliance" with Section 163.3177(4)(a), Fla. Stat.

**Statement of Ultimate Facts and Law,
Specific Facts and Law that Warrant Reversal of Proposed Action**

23. Alachua County sets forth the following statement of ultimate facts and law, including specific facts and law that warrant reversal, and Alachua County reserves the right to amend and supplement this statement of ultimate facts and law:

24. The City FLUM amendment is not based on relevant and appropriate data and analysis and is, therefore, not "in compliance" with Section 163.3177(1)(f), Fla. Stat.

- a. Section 163.3177(6)(a)(2), Fla. Stat., requires future land use element ("FLUE") plan amendments to be based on surveys, studies and data including surveys, studies and data regarding the area related to the availability of public facilities.
- b. Section 163.3177(6)(a)(8), Fla. Stat., provides that FLUE amendments must be based on analysis of the availability of facilities and services.
- c. Respondent's existing FLUE is based on data and analysis of transportation facilities and impacts of Future Land Uses that were within Respondent's jurisdictional limits as of the adoption date of Respondent's Transportation Mobility Element (August 15, 2013).
- d. The subject property was not within Respondent's jurisdictional limits as of the adoption date of Respondent's Transportation Mobility Element.
- e. The subject property is in an area that is entirely west of Interstate 75 and is served by transportation facilities that were not adequately analyzed in Respondent's Transportation Mobility Element due to the fact that the

subject property was not within Respondent's jurisdiction at the time of adoption of Respondent's Transportation Mobility Element.

- f. The area around the City FLUM amendment has transportation facilities and needs that are substantially different from transportation facilities and needs that were within Respondent's jurisdictional limits as of the adoption date of Respondent's Transportation Mobility Element. The transportation facility needs of this area were identified in Alachua County's Transportation Mobility Element and Capital Improvements Element of its Comprehensive Plan, adopted January 26, 2010. The County included the concept of multimodal mitigation in its Comprehensive Plan and subsequently adopted this mitigation in the form of the County Multimodal Transportation Mitigation Program. The data and analysis in support of the City FLUM amendment failed to take into account the impact of the land use on the only transportation facilities serving the subject property, *i.e.*, two Alachua County-maintained minor arterial roads.
- g. Respondent's Transportation Mobility Element Policy 1.1.1.a identifies an adopted Level of Service E for all roadways in Respondent's jurisdictional limits except for Interstate 75 and roadways that are backlogged or constrained. One of the Alachua County-maintained roads (SW 24th Avenue) is now partially within Respondent's jurisdictional limits as a result of the recent annexation of the subject property. This road is a 2-lane undivided roadway with a posted speed of 45 miles per hour. The maximum service volume of SW 24th Avenue within Respondent's city

limits is 14,040 Average Annual Daily Trips. No analysis was provided about what impact development at the density and intensity allowed by the proposed future land use will have on the level of service for this roadway.

- h. The data and analysis in support of the City FLUM amendment identified additional transportation impacts due to the subject property's future land uses but failed to plan for transportation capacity projects to mitigate the impacts or a funding source to fund the projects made necessary by future development of the subject property.
- i. The City FLUM amendment is inconsistent with Section 163.3177(6)(a)(2)(d), Fla. Stat., because all comprehensive plan amendments must be based on relevant and appropriate data and analysis regarding availability of public facilities. The City FLUM amendment is not based on data and analysis of transportation facilities in the area of the City FLUM amendment and does not take into consideration the impacts of development at the density and intensity allowed by the proposed future land use on the roads which serve the subject property.

25. The City FLUM amendment and its Transportation Mobility Element are internally inconsistent and are, therefore, not "in compliance" with Section 163.3177(2), Fla. Stat.

- a. Section 163.3177(6)(b), Fla. Stat., requires the transportation element of a comprehensive plan be "coordinated with the future land use map or map series and designed to support all elements of the comprehensive plan."

- b. Respondent's Transportation Mobility Element does not take into account transportation facility impacts on County roadways in the area of the City FLUM amendment and the facilities that serve the City FLUM amendment.
- c. Respondent's Transportation Mobility Element was adopted on August 13, 2015 prior to the subject property being within Respondent's jurisdiction, therefore the impacts of the future land uses of this property were not considered in Respondent's Transportation Mobility Element.
- d. Therefore, the City FLUM amendment is not coordinated with Respondent's Transportation Mobility Element and the Gainesville Comprehensive Plan is, therefore, internally inconsistent and not "in compliance" with Section 163.3177(2), Fla. Stat.

26. The City FLUM amendment and its Capital Improvement Element are internally inconsistent and are, therefore, not "in compliance" with Section 163.3177(2), Fla. Stat.

- a. Section 163.3177(3)(a), Fla. Stat., requires Gainesville's Capital Improvements Element to be "designed to consider the need for and the location of public facilities in order to encourage the efficient use of such facilities."
- b. The City FLUM amendment renders Gainesville's Comprehensive Plan internally inconsistent because Gainesville's Capital Improvements Element does not consider the need for and the location of public transportation facilities that serve the subject property.

27. The City FLUM amendment and its Intergovernmental Coordination Element are internally inconsistent and are, therefore, not “in compliance” with Section 163.3177(2), Fla. Stat.

- a. Section 163.3177(4)(a), Fla. Stat., requires Respondent’s Comprehensive Plan to be “[c]oordinat[ed] ... with the comprehensive plans of ... the county” and Respondent “shall include a specific policy statement indicating the relationship of the proposed development of the area to the comprehensive plans of ... the county.”
- b. Section 163.3177(6)(h)(1), Fla. Stat., requires Respondent’s Comprehensive Plan to include “an intergovernmental coordination element... showing relationships and stating principles and guidelines to be used in coordinating the adopted comprehensive plan ...with the comprehensive plans of ... the county....This element of the local comprehensive plan must demonstrate consideration of the particular effects of the local plan, when adopted, upon the development of ...the county....”
- c. Section 163.3177(6)(h)(3), Fla.Stat., requires an “interlocal agreement or other formal agreement executed by all affected entities... consistent with their adopted intergovernmental coordination elements” for the purpose of “[e]nsur[ing] that the local government addresses through coordination mechanisms the impacts of development proposed in the local comprehensive plan upon development in... the county... . The area of concern for municipalities shall include... the county....” and “[e]nsur[ing]

coordination in establishing level of service standards for public facilities with any state, regional, or local entity having operational and maintenance responsibility for such facilities.” Section 163.3177(6)(h)3.a-b., Fla. Stat.

- d. The Alachua County Comprehensive Plan, Transportation Mobility Element, includes a long range transportation plan, which identifies area-wide level of service standards for multimodal transportation within designated “Transportation Mobility Districts.” The subject property is located within the “Southwest Transportation Mobility District” as designated in the Alachua County Comprehensive Plan, which includes SW 75th Street (Tower Road) and SW 24th Avenue, the two primary roads that serve the subject property. The Alachua County Comprehensive Plan identifies transportation capital improvement projects and corresponding funding sources to provide for and maintain the adopted area-wide level of service standard for multimodal transportation within the designated Transportation Mobility District in which the subject property is located.
- e. The City FLUM amendment does not take into account or react to the data supporting the Alachua County Comprehensive Plan in an appropriate way and to the extent necessary indicated by the data available at the time of adoption of the plan amendment, nor does it take into account available data and analysis on the substantial impact of the future development of the 157 acre subject property.

- f. The City FLUM amendment does not demonstrate consideration of the particular effects of the City's Comprehensive Plan, including the addition of the subject property to the City Future Land Use Map, upon the development of the areas of Alachua County surrounding the 157 acre subject property. The City FLUM amendment also does not identify specific coordination mechanisms, such as formal agreements, to address the impacts of future development authorized by the City FLUM amendment upon development in Alachua County.
- g. Therefore, the City FLUM amendment and its Intergovernmental Coordination Element does not comply with the requirements of Section 163.3177(2), Fla. Stat., for internal consistency of the elements of the Plan.

28. Respondent's failure to coordinate the City FLUM amendment with Alachua County's Comprehensive Plan renders the Respondent's Comprehensive Plan not "in compliance" with Section 163.3177(4)(a), Fla. Stat.

- a. Alachua County's Comprehensive Plan includes a Transportation Mobility Element and Capital Improvements Element that identify transportation capital improvements and corresponding funding sources to provide for and maintain the County's adopted area-wide level of service for multimodal transportation west of Interstate 75.
- b. The transportation facility needs of this area are identified in Alachua County's Transportation Mobility Elements and Capital Improvements Elements of its Comprehensive Plan. The County included the concept of

multimodal mitigation in its Comprehensive Plan and subsequently adopted this mitigation in the form of the County Multimodal Transportation Mitigation Program. As such, Alachua County has an adopted system for mitigating the transportation impacts of new development within the unincorporated urban area.

- c. The City FLUM amendment identifies transportation impacts derived from the amendment but does not address the lack of available mitigation funding that will result from the City FLUM amendment.
- d. The City Comprehensive Plan does not contain a specific policy statement indicating the relationship to the comprehensive plan of the county of the proposed development of the area added to the City's Comprehensive Plan by the City FLUM amendment, as required by Section 163.3177(4)(a), Fla. Stat.
- e. The City FLUM amendment is not based on adequate data and analysis, and does not react in an appropriate manner to available data and analysis on the substantial impact on transportation facilities for which the County has maintenance responsibilities of the future development of the 157 acre subject property authorized by the City FLUM amendment. The data and analysis for the City FLUM amendment identifies and anticipates substantial additional trip generation, which will impact the transportation system serving the area of the City FLUM amendment and the area around it, but there is no analysis of the impacts on the transportation facilities and level of service in the area, no identification of needed

capacity improvements to those facilities, or estimates of the costs of those improvements that would be needed, or how those impacts will be mitigated or funded in the area to maintain the areawide level of service adopted in the Transportation Mobility Element of the County's Comprehensive Plan.

- f. The City FLUM amendment and its supporting data and analysis have not adequately addressed the relationship of the amendment to Transportation Mobility Element and Capital Improvements Element of the Alachua County Comprehensive Plan. The City FLUM amendment, therefore, renders Respondent's Comprehensive Plan not "in compliance" with Section 163.3177(4)(a), Fla. Stat.

Statement of Specific Rules or Statutes that Require Reversal or Modification of Agency's Proposed Action

29. The specific statutes which require reversal of the proposed action include, but are not limited to, Sections 163.3177(1)(f), 163.3177(2), 163.3177(3)(a), 163.3177(4)(a), 163.3177(6)(a), and 163.3177(6)(b), Fla. Stats.

Statement of Relief Sought

Alachua County requests that this matter be set for a formal administrative hearing on the issues raised above, that Gainesville's City FLUM amendment be determined not to be "in compliance" with Chapter 163, Fla. Stat., and that a Final Order by the Administration Commission be entered determining the City FLUM amendment to be not "in compliance" with Chapter 163, Fla. Stat.

Respectfully submitted this 3rd day of April, 2017.

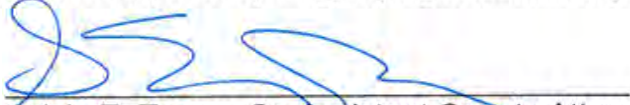
OFFICE OF THE ALACHUA COUNTY ATTORNEY

By: 

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Attorneys for Petitioner Alachua County

CERTIFICATE OF SERVICE

A true and correct copy of the forgoing Petition for Administrative Hearing was hand served to the City of Gainesville's Clerk of the Commission and provided to counsel for Respondent, Nichole Shalley, via email, shalleynm@cityofgainesville.org.


Sylvia E. Torres, Sr. Assistant County Attorney

Exhibits

- Exhibit A: Gainesville Ordinance No.160398
- Exhibit B: Notice Letter to Alachua County from Respondent
- Exhibit C: Alachua County Comment Letter, Sept. 21, 2016
- Exhibit D: Alachua County Comment Letter, Jan. 17, 2017

ORDINANCE NO. 160398

An ordinance amending the Future Land Use Map of the City of Gainesville Comprehensive Plan by changing the land use category of approximately 157 acres of property that is generally located between the 1300-1800 block of Tower Road (75th Street) and the 1800 block of SW 20th Avenue, as more specifically described in this ordinance, from Alachua County Medium High Density Residential (8-14 DU/acre) and Low Density Residential (1-4 DU/acre) to City of Gainesville Mixed-Use Medium Intensity (12-30 units per acre) (MUM), Mixed-Use Low Intensity (8-30 units per acre) (MUL), Residential Medium-Density (8-30 units per acre) (RM), Residential Low-Density (up to 12 units per acre) (RL), and Single-Family (up to 8 units per acre) (SF); providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, notice was given as required by law that the Future Land Use Map of the City of Gainesville Comprehensive Plan be amended by changing the land use category of the subject property; and

WHEREAS, the City Plan Board, which acts as the local planning agency pursuant to Section 163.3174, Florida Statutes, held a public hearing on September 22, 2016, and voted to recommend that the City Commission approve this Future Land Use Map amendment; and

WHEREAS, an advertisement no less than two columns wide by ten (10) inches long was placed in a newspaper of general circulation and provided the public with at least seven (7) days' advance notice of this ordinance's first public hearing (i.e., transmittal hearing) to be held by the City Commission in the City Hall Auditorium, located on the first floor of City Hall in the City of Gainesville; and

WHEREAS, after the first public hearing, the City of Gainesville transmitted copies of this proposed amendment to the reviewing agencies and any other local government unit or state agency that requested same; and

WHEREAS, a second advertisement no less than two columns wide by ten (10) inches

1 long was placed in the aforesaid newspaper and provided the public with at least five (5) days'
2 advance notice of this ordinance's second public hearing (i.e., adoption hearing) to be held by the
3 City Commission; and

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

7 **WHEREAS**, prior to adoption of this ordinance, the City Commission has considered
8 any written comments received concerning this Future Land Use Map amendment.

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

11 **Section 1.** The Future Land Use Map of the City of Gainesville Comprehensive Plan is
12 amended by changing the land use category of the following property from Alachua County
13 Medium High Density Residential (8-14 DU/acre) and Low Density Residential (1-4 DU/acre) to
14 City of Gainesville Mixed-Use Medium Intensity (12-30 units per acre) (MUM), Mixed-Use Low
15 Intensity (8-30 units per acre) (MUL), Residential Medium-Density (8-30 units per acre) (RM),
16 Residential Low-Density (up to 12 units per acre) (RL), and Single-Family (up to 8 units per
17 acre) (SF);

18 See legal description attached as **Exhibit A** and made a part hereof as if set forth
19 in full. The location of the property is shown on **Exhibit B** for visual reference.
20 In the event of conflict or inconsistency, **Exhibit A** shall prevail over **Exhibit B**.

21
22 **Section 2.** Within ten (10) working days of the transmittal (first) hearing, the City
23 Manager or designee is authorized and directed to transmit this Future Land Use Map
24 amendment and appropriate supporting data and analyses to the reviewing agencies and to any
25 other local government or governmental agency that has filed a written request for same with the

1 City. Within ten (10) working days of the adoption (second) hearing, the City Manager or
2 designee is authorized and directed to transmit this amendment to the state land planning agency
3 and any other agency or local government that provided comments to the City regarding the
4 amendment.

5 **Section 3.** The City Manager or designee is authorized and directed to make the
6 necessary changes to maps and other data in the City of Gainesville Comprehensive Plan in
7 order to comply with this ordinance.

8 **Section 4.** If any word, phrase, clause, paragraph, section or provision of this ordinance
9 or the application hereof to any person or circumstance is held invalid or unconstitutional, such
10 finding shall not affect the other provisions or applications of this ordinance that can be given
11 effect without the invalid or unconstitutional provision or application, and to this end the
12 provisions of this ordinance are declared severable.

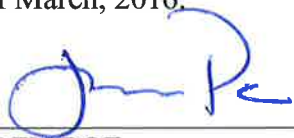
13 **Section 5.** All ordinances or parts of ordinances in conflict herewith are to the extent of
14 such conflict hereby repealed.

15 **Section 6.** This ordinance shall become effective immediately upon adoption; however,
16 the effective date of this amendment to the City of Gainesville Comprehensive Plan, if the
17 amendment is not timely challenged, shall be 31 days after the state land planning agency notifies
18 the City that the plan amendment package is complete in accordance with Section 163.3184,
19 Florida Statutes. If timely challenged, this Comprehensive Plan amendment shall become
20 effective on the date the state land planning agency or the Administration Commission enters a
21 final order determining the amendment to be in compliance with Chapter 163, Florida Statutes.
22 No development orders, development permits, or land uses dependent on this Comprehensive
23

1 Plan amendment may be issued or commenced before this amendment has become effective.

2 **PASSED AND ADOPTED** this 2nd day of March, 2016.

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7



LAUREN POE
MAYOR

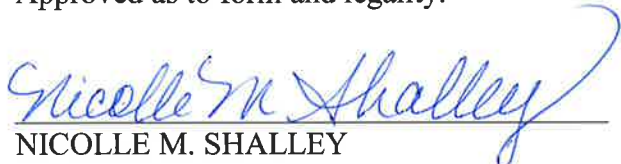
8 Attest:

Approved as to form and legality:

9
10
11



KURT LANNON
CLERK OF THE COMMISSION



NICOLLE M. SHALLEY
CITY ATTORNEY

12
13
14
15
16

This ordinance passed on (first) transmittal hearing this 15th day of December, 2016.

17 This ordinance passed on (second) adoption hearing this 2nd day of March, 2017.



JACKSONVILLE | GAINESVILLE | OCALA
8583 Argyle Business Loop, Ste. 9, Jacksonville, Florida 32244
132 NW 78th Drive, Gainesville, Florida 32607
101 NE 1st Avenue, Ocala, Florida 34470
WWW.CHW-INC.COM

DATE: July 29, 2016

PROJECT NAME: Henderson property -- Tower Road

PROJECT NO: 15-0500

DESCRIPTION FOR: Mixed Use Low/MU-1 Area

A PARCEL OF LAND LYING AND BEING IN LOT 4 OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 10 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF SW 75TH STREET (TOWER ROAD) AND THE SOUTH LINE OF SAID LOT 4; THENCE NORTH 88°58'50" EAST, ALONG SAID SOUTH LINE OF LOT 4, A DISTANCE OF 2365.94 FEET TO THE POINT OF BEGINNING; THENCE NORTH 01°01'10" WEST, A DISTANCE OF 158.78 FEET; THENCE NORTH 90°00'00" EAST, A DISTANCE OF 75.87 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 80.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 58°18'04" EAST, 84.15 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 63°27'52", AN ARC DISTANCE OF 88.61 FEET TO THE POINT OF TANGENCY; THENCE NORTH 26°32'08" EAST, A DISTANCE OF 66.22 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 25.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 71°32'08" EAST, 35.36 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 39.27 FEET TO THE POINT OF TANGENCY; THENCE SOUTH 63°27'52" EAST, A DISTANCE OF 357.42 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SW 20TH AVENUE (RIGHT OF WAY WIDTH VARIES); THENCE SOUTH 25°22'50" WEST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 116.53 FEET TO THE AFOREMENTIONED SOUTH LINE OF LOT 4 AND THE NORTHEAST CORNER OF TOWER OAKS RIDGE, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK L, PAGE 18 OF SAID PUBLIC RECORDS; THENCE SOUTH 88°58'50" WEST, ALONG THE SOUTH LINE OF LOT 4 AND THE NORTH LINE OF SAID TOWER OAKS RIDGE, A DISTANCE OF 477.63 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 2.226 ACRES MORE OR LESS.



JACKSONVILLE | GAINESVILLE | OCALA
8563 Argyle Business Loop, Ste. 3, Jacksonville, Florida 32244
132 NW 76th Drive, Gainesville, Florida 32607
101 NE 1st Avenue, Ocala, Florida 34470
WWW.CHW-INC.COM

DESCRIPTION

DATE: July 29, 2016

PROJECT NAME: Henderson property – Tower Road

PROJECT NO: 15-0500

DESCRIPTION FOR: Mixed Use Medium/MU-2 Area

A PARCEL OF LAND LYING AND BEING IN LOTS 3 & 4 IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 10 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF SW 75TH STREET (TOWER ROAD) AND THE NORTH LINE OF SAID LOT 3 FOR THE POINT OF BEGINNING; THENCE NORTH 88°58'39"EAST, ALONG SAID NORTH LINE OF LOT 3, A DISTANCE OF 265.00 FEET; THENCE SOUTH 0°51'18"EAST, A DISTANCE OF 407.80 FEET TO THE CENTERLINE OF A 100 FOOT WIDE POWER LINE EASEMENT AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 106, PAGE 48 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH 89°22'57"EAST, ALONG SAID CENTERLINE, A DISTANCE OF 535.00 FEET; THENCE SOUTH 0°51'18"EAST, A DISTANCE OF 609.89 FEET; THENCE SOUTH 89°08'42"WEST, A DISTANCE OF 250.00 FEET; THENCE SOUTH 0°51'18"EAST, A DISTANCE OF 497.61 FEET TO THE SOUTH LINE OF AFOREMENTIONED LOT 4 IN SECTION 9; THENCE SOUTH 88°58'50"WEST, ALONG SAID SOUTH LINE OF LOT 4, A DISTANCE OF 550.00 FEET TO THE AFOREMENTIONED EAST RIGHT OF WAY LINE OF SW 75th STREET; THENCE NORTH 0°51'18"WEST, ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 1518.17 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 19.999 ACRES MORE OR LESS.



JACKSONVILLE | GAINESVILLE | OCALA
 8683 Argyle Business Loop, Ste. 3, Jacksonville, Florida 32244
 132 NW 76th Drive, Gainesville, Florida 32607
 101 NE 1st Avenue, Ocala, Florida 34470
 WWW.CHW-INC.COM

DATE: 29 July 2016

PROJECT NAME: Henderson property – Tower Road

PROJECT NO: 15-0500

DESCRIPTION FOR: Residential Low/RMF-5 Area

A PARCEL OF LAND LYING AND BEING IN LOTS 2, 3 & 4 IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 10 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF SW 75TH STREET (TOWER ROAD) AND THE NORTH LINE OF SAID LOT 3; THENCE NORTH $88^{\circ}58'39''$ EAST, ALONG SAID NORTH LINE OF LOT 3, A DISTANCE OF 1688.61 FEET TO THE SOUTHEAST CORNER OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 831, PAGE 492 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH $0^{\circ}48'54''$ WEST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 323.58 FEET TO THE SOUTHWEST CORNER OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 4225, PAGE 488 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH $89^{\circ}01'18''$ EAST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 493.90 FEET TO THE SOUTHEAST CORNER OF SAID LANDS AND THE POINT OF BEGINNING; THENCE SOUTH $0^{\circ}48'08''$ EAST, A DISTANCE OF 499.93 FEET; THENCE SOUTH $89^{\circ}30'21''$ WEST, A DISTANCE OF 24.94 FEET; THENCE SOUTH $0^{\circ}00'29''$ EAST, A DISTANCE OF 195.50 FEET; THENCE SOUTH $89^{\circ}30'21''$ WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH $0^{\circ}00'00''$ WEST, A DISTANCE OF 50.13 FEET TO THE CENTERLINE OF A 100 FOOT WIDE POWER LINE EASEMENT AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 108, PAGE 48 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE SOUTH $89^{\circ}22'57''$ WEST, ALONG SAID CENTERLINE, A DISTANCE OF 1293.85 FEET; THENCE SOUTH $0^{\circ}51'18''$ EAST, A DISTANCE OF 809.89 FEET; THENCE SOUTH $89^{\circ}08'42''$ WEST, A DISTANCE OF 250.00 FEET; THENCE SOUTH $0^{\circ}51'18''$ EAST, A DISTANCE OF 497.61 FEET TO THE SOUTH LINE OF AFOREMENTIONED LOT 4 IN SECTION 9; THENCE NORTH $88^{\circ}58'50''$ EAST, ALONG SAID SOUTH LINE OF LOT 4, A DISTANCE OF 1815.94 FEET; THENCE NORTH $01^{\circ}01'10''$ WEST, A DISTANCE OF 158.78 FEET; THENCE NORTH $90^{\circ}00'00''$ EAST, A DISTANCE OF 75.87 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 80.00 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH $58^{\circ}16'04''$ EAST, 84.15 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $63^{\circ}27'52''$, AN ARC DISTANCE OF 88.81 FEET TO THE POINT OF TANGENCY; THENCE NORTH $26^{\circ}32'08''$ EAST, A DISTANCE OF 66.22 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 25.00 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH $71^{\circ}32'08''$ EAST, 35.36 FEET; THENCE EASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF $90^{\circ}00'00''$, AN ARC LENGTH OF 39.27 FEET TO THE POINT OF TANGENCY; THENCE SOUTH $63^{\circ}27'52''$ EAST, A DISTANCE OF 357.42 FEET TO THE WESTERLY RIGHT OF WAY LINE OF SW 20TH AVENUE (RIGHT OF WAY WIDTH VARIES); THENCE NORTH $25^{\circ}22'50''$ EAST, ALONG SAID WESTERLY RIGHT OF WAY LINE, A DISTANCE OF 14.56 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1959.86 FEET, AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND

DISTANCE OF NORTH 34°44'55" EAST, 636.83 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 18°42'01", AN ARC DISTANCE OF 639.66 FEET TO AN INTERSECTION WITH THE WEST LINE OF THE EAST 1980 FEET OF AFOREMENTIONED SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA; THENCE NORTH 00°30'02" WEST, ALONG SAID WEST LINE OF THE EAST 1980 FEET, A DISTANCE OF 1646.10 FEET TO THE NORTH LINE OF AFOREMENTIONED LOT 2 IN SAID SECTION 9; THENCE SOUTH 88°55'49" WEST, ALONG SAID NORTH LINE, A DISTANCE OF 1535.15 FEET TO AN INTERSECTION WITH THE BOUNDARY OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 4225, PAGE 486 OF SAID PUBLIC RECORDS; THENCE THE FOLLOWING THREE (3) COURSES ALONG THE BOUNDARY OF SAID LANDS; (1) THENCE SOUTH 00°51'50" EAST, A DISTANCE OF 105.96 FEET; (2) THENCE NORTH 89°02'47" EAST, A DISTANCE OF 435.62 FEET; (3) THENCE SOUTH 00°49'08" EAST, A DISTANCE OF 329.92 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 90.575 ACRES MORE OR LESS.



JACKSONVILLE | GAINESVILLE | OCALA
8543 Argyle Business Loop, Ste. 3, Jacksonville, Florida 32244
132 NW 78th Drive, Gainesville, Florida 32607
101 NE 1st Avenue, Ocala, Florida 34478
WWW.CHW-INC.COM

DESCRIPTION

DATE: July 29, 2016

PROJECT NAME: Henderson property – Tower Road

PROJECT NO: 15-0500

DESCRIPTION FOR: Residential Medium/RMF-7 Area

A PARCEL OF LAND LYING AND BEING IN LOT 3 IN SECTION 9, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AS PER PLAT THEREOF AS RECORDED IN PLAT BOOK A, PAGE 10 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE EAST RIGHT OF WAY LINE OF SW 75TH STREET (TOWER ROAD) AND THE NORTH LINE OF SAID LOT 3; THENCE NORTH $88^{\circ}56'39''$ EAST, ALONG SAID NORTH LINE OF LOT 3, A DISTANCE OF 285.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID NORTH LINE OF LOT 3, NORTH $88^{\circ}56'39''$ EAST, A DISTANCE OF 1423.81 FEET TO THE SOUTHEAST CORNER OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 831, PAGE 482 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH $0^{\circ}48'54''$ WEST, ALONG THE EAST LINE OF SAID LANDS, A DISTANCE OF 323.58 FEET TO THE SOUTHWEST CORNER OF LANDS AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 4225, PAGE 486 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE NORTH $89^{\circ}01'18''$ EAST, ALONG THE SOUTH LINE OF SAID LANDS, A DISTANCE OF 493.90 FEET TO THE SOUTHEAST CORNER OF SAID LANDS; THENCE SOUTH $0^{\circ}49'08''$ EAST, A DISTANCE OF 499.93 FEET; THENCE SOUTH $89^{\circ}30'21''$ WEST, A DISTANCE OF 24.94 FEET; THENCE SOUTH $0^{\circ}00'29''$ EAST, A DISTANCE OF 195.50 FEET; THENCE SOUTH $89^{\circ}30'21''$ WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH $0^{\circ}00'00''$ WEST, A DISTANCE OF 50.13 FEET TO THE CENTERLINE OF A 100 FOOT WIDE POWER LINE EASEMENT AS DESCRIBED AND RECORDED IN OFFICIAL RECORDS BOOK 108, PAGE 48 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE SOUTH $89^{\circ}22'57''$ WEST, ALONG SAID CENTERLINE, A DISTANCE OF 1828.85 FEET; THENCE NORTH $0^{\circ}51'18''$ WEST, A DISTANCE OF 407.80 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 21.719 ACRES MORE OR LESS.



JACKSONVILLE | GAINESVILLE | Ocala
 8583 Argyle Business Loop, Ste. 3, Jacksonville, Florida 32244
 132 NW 78th Drive, Gainesville, Florida 32607
 101 NE 1st Avenue, Ocala, Florida 34470
 WWW.CHW-INC.COM

DATE: July 29, 2016

PROJECT NAME: Henderson property – SW 20th Ave

PROJECT NO: 15-0500

DESCRIPTION FOR: Single Family/RSF-4 Area

A PARCEL OF LAND LYING AND BEING IN SECTIONS 9 & 10, TOWNSHIP 10 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE NORTHEAST CORNER OF PORTOFINO CLUSTER SUBDIVISION PHASE 1, ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 25, PAGE 58 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID CORNER LYING ON THE SOUTHERLY RIGHT OF WAY LINE OF SW 20TH AVENUE (R/W WIDTH VARIES) AND BEING ON A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1859.86 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 89°02'06" EAST, 601.31 FEET; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 18°38'21", AN ARC DISTANCE OF 603.98 FEET TO AN INTERSECTION WITH THE NORTHWEST CORNER OF AN ADDITIONAL RIGHT OF WAY TAKING AS DESCRIBED IN OFFICIAL RECORDS BOOK 4368, PAGE 1786 OF SAID PUBLIC RECORDS; THENCE THE FOLLOWING FIFTEEN (15) COURSES ALONG SAID ADDITIONAL RIGHT OF WAY TAKING; (1) SOUTH 11°39'44" EAST, 3.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1858.86 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF NORTH 83°57'50" EAST, 364.07 FEET; (2) THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 11°15'07", AN ARC DISTANCE OF 364.86 FEET TO THE END OF SAID CURVE; (3) THENCE NORTH 89°34'53" EAST, A DISTANCE OF 54.93 FEET; (4) THENCE SOUTH 00°25'07" EAST, A DISTANCE OF 7.00 FEET; (5) THENCE NORTH 89°34'53" EAST, A DISTANCE OF 80.00 FEET; (6) THENCE SOUTH 00°25'07" EAST, A DISTANCE OF 4.00 FEET; (7) THENCE NORTH 89°34'53" EAST, A DISTANCE OF 180.00 FEET; (8) THENCE SOUTH 00°25'07" EAST, A DISTANCE OF 7.00 FEET; (9) THENCE NORTH 89°34'53" EAST, A DISTANCE OF 101.42 FEET; (10) THENCE NORTH 76°05'08" EAST, A DISTANCE OF 59.99 FEET; (11) THENCE NORTH 89°34'53" EAST, A DISTANCE OF 320.25 FEET; (12) THENCE SOUTH 00°25'07" EAST, A DISTANCE OF 12.00 FEET; (13) THENCE NORTH 89°34'53" EAST, A DISTANCE OF 50.00 FEET; (14) THENCE NORTH 00°25'07" WEST, A DISTANCE OF 12.86 FEET; (15) THENCE NORTH 84°24'41" EAST, A DISTANCE OF 68.14 FEET TO THE NORTHEAST CORNER OF SAID R/W TAKING AND THE SOUTHERLY RIGHT OF WAY LINE OF SW 20TH AVENUE; THENCE NORTH 89°34'53" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 101.93 FEET; THENCE SOUTH 00°25'07" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET; THENCE NORTH 89°34'53" EAST, ALONG SAID SOUTHERLY RIGHT OF WAY LINE, A DISTANCE OF 569.40 FEET TO A POINT ON THE WESTERLY RIGHT OF WAY LINE OF INTERSTATE NO. 75 (300' WIDE RIGHT OF WAY), SAID POINT LYING ON A CURVE CONCAVE SOUTHWESTERLY, HAVING A RADIUS OF 22768.32 FEET, AND BEING SUBTENDED BY A CHORD BEARING AND DISTANCE OF SOUTH 35°59'35" EAST, 139.95 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE AND SAID WESTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 00°21'08", AN ARC DISTANCE OF 139.95 FEET TO THE END OF SAID CURVE AND TO AN INTERSECTION WITH THE NORTHERLY LINE OF LANDS DESCRIBED IN

OFFICIAL RECORDS BOOK 1997, PAGE 2460 OF SAID PUBLIC RECORDS; THENCE THE FOLLOWING SEVEN (7) COURSES ALONG SAID NORTHERLY BOUNDARY LINE; (1) THENCE SOUTH 89°34'37" WEST, A DISTANCE OF 349.69 FEET; (2) THENCE SOUTH 00°25'23" EAST, A DISTANCE OF 220.00 FEET; (3) THENCE SOUTH 59°34'37" WEST, A DISTANCE OF 480.00 FEET; (4) THENCE SOUTH 89°34'37" WEST, A DISTANCE OF 809.87 FEET; (5) THENCE NORTH 60°24'48" WEST, A DISTANCE OF 431.27 FEET; (6) THENCE NORTH 00°24'48" WEST, A DISTANCE OF 230.00 FEET TO THE BEGINNING OF A CURVE CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1729.86 FEET AND BEING SUBTENDED BY A CHORD HAVING A BEARING AND DISTANCE OF SOUTH 69°57'03" WEST, 613.83 FEET; THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 20°26'21", AN ARC DISTANCE OF 617.09 FEET TO THE NORTHEASTERLY LINE OF AFOREMENTIONED PORTOFINO CLUSTER SUBDIVISION PHASE 1; THENCE NORTH 30°15'33" WEST, ALONG SAID NORTHERLY LINE, A DISTANCE OF 130.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 22.196 ACRES MORE OR LESS.

Land Use Designations City of Gainesville

- SF Single-Family (up to 8 units/acre)
- RL Residential Low-Density (up to 12 units/acre)
- RM Residential Medium-Density (8-30 units/acre)
- MUL Mixed-Use Low-Intensity (8-30 units/acre)
- MUM Mixed-Use Medium-Intensity (12-30 units/acre)
- CON Conservation
- PF Public Facilities

Land Use Designations Alachua County


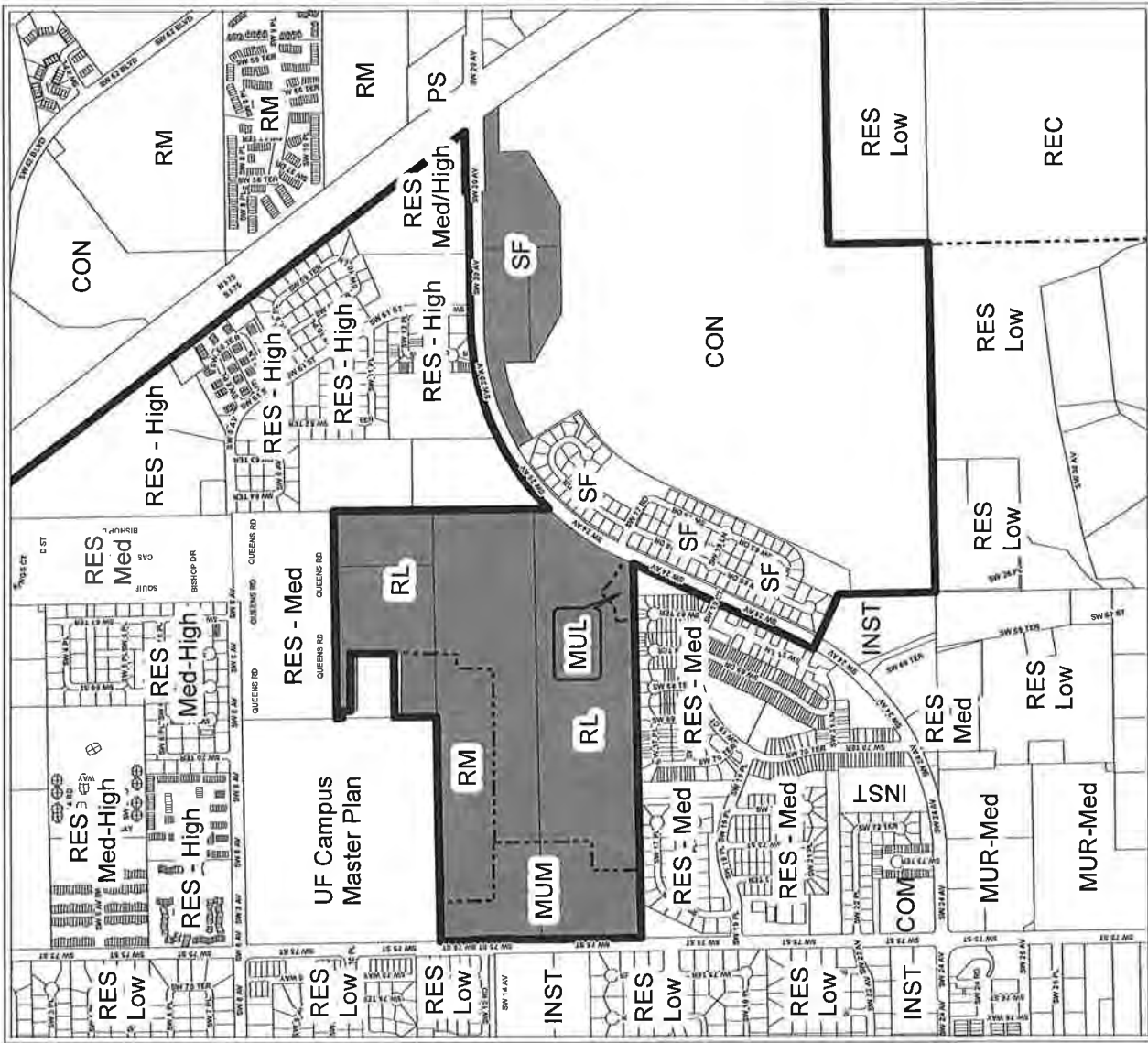
- RES - Low Residential Low-Density (1-4 units/acre)
- RES - Med Residential Medium-Density (4-8 units/acre)
- RES - Med/High Residential Medium-High Density (8-14 units/acre)
- RES - High Residential High-Density (14-21 units/acre)
- COM Commercial
- INST Institutional
- REC Recreation
- MUR-Med Mixed-Use Residential Medium Density (4-8 units/acre)
- UF UF Campus Master Plan

Area under petition consideration



Division line between two land use categories

City Limits

PROPOSED LAND USE

Name	Petition Request	Petition Number
City of Gainesville	Amend the City of Gainesville FLUM from Alachua County Medium High Density Residential (RMH) and Low Density Residential (RL) to City of Gainesville MUL, RM, RL and SF	PB-16-107 LUC



Land Use Designations City of Gainesville

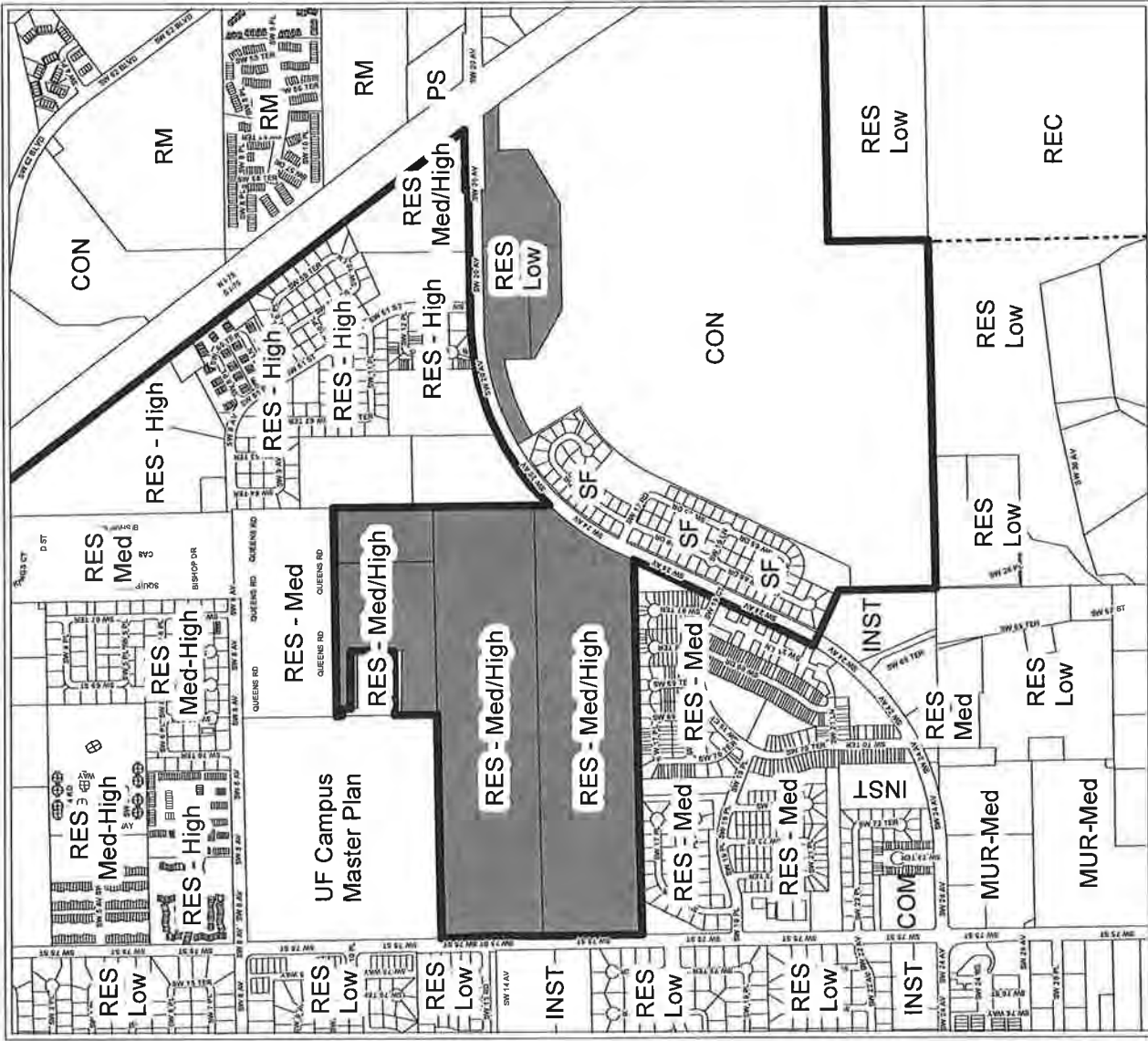
- SF Single-Family (up to 8 units/acre)
- RM Residential Medium-Density (8-30 units/acre)
- CON Conservation
- PF Public Facilities

Land Use Designations Alachua County

- RES - Low Residential Low-Density (1-4 units/acre)
- RES - Med Residential Medium-Density (4-8 units/acre)
- RES - Med/High Residential Medium-High Density (8-14 units/acre)
- RES - High Residential High-Density (14-21 units/acre)
- COM Commercial
- INST Institutional
- REC Recreation
- MUR-Med Mixed-Use Residential Medium Density (4-8 units/acre)
- UF UF Campus Master Plan

Area under petition consideration

Division line between two land use categories
City Limits



EXISTING LAND USE

Name	Petition Request	Petition Number
City of Gainesville	Amend the City of Gainesville FLUM from Alachua County Medium High Density Residential (RMH) and Low Density Residential (RL) to City of Gainesville MUL, RM, RL and SF	PB-16-107 LUC





Planning & Development Services

Station 11
PO Box 490
Gainesville, FL 32627-0490
352-334-5022
352-334-2648 (Fax)

www.cityofgainesville.org/planningdepartment

March 6, 2017

Florida Department of Economic Opportunity
Division of Community Planning and Development
Attn: Ray Eubanks, Plan Processing Administrator
107 East Madison Street, Caldwell Bldg., MSC 160
Tallahassee, FL 32399

RE: Adoption of Comprehensive Plan Amendment under Expedited State Review (DEO Ref. No. Gainesville 16-3ESR)

On March 2, 2017, the Gainesville City Commission held a public hearing and adopted Ordinance No. 160398 thus amending the City of Gainesville Comprehensive Plan on second reading of the respective ordinance. There were no changes made to the ordinance since the transmittal hearing. The meeting was held at the following location:

City Hall
City Commission Auditorium
200 East University Avenue
Gainesville, FL 32601

As requested for the large-scale plan amendment, one hard copy and two CDs of the executed adoption ordinance are enclosed. The data and analysis for this comprehensive plan amendment was previously transmitted.

A copy of the adopted ordinance provided to the Division of Community Planning and Development is being sent to the following review agencies:

- Alachua County Department of Growth Management
- Florida Department of Transportation
- St. Johns River Water Management District
- Suwannee River Water Management District
- Florida Department of State
- Florida Department of Education
- Florida Department of Environmental Protection
- North Central Florida Regional Planning Council

If you have any questions, please contact:

Ralph Hilliard
Planning Manager
City of Gainesville
P.O. Box 490, Station 11
Gainesville, FL 32627
Telephone: (352) 334-5022
Fax: (352) 334-2648
E-mail: hilliardrw@cityofgainesville.org

Dean Mimms, AICP
Lead Planner
City of Gainesville
P.O. Box 490, Station 11
Gainesville, FL 32627
Telephone: (352) 334-5022
Fax: (352) 334-2648
E-mail: mimmsdl@cityofgainesville.org

In order to ensure that agency comments are received and can be reviewed in a timely fashion, please send any comments to both Ralph Hilliard and Dean Mimms as shown above.

Respectfully submitted,



Ralph Hilliard
Planning Manager

RH: DLM: nf

Enclosures



Alachua County Department of Growth Management

Transportation Planning

Jeffrey Hays, AICP Transportation Planning Manager

September 21, 2016

Andrew Persons, Interim Principal Planner
City of Gainesville Planning & Development Services Department
PO Box 490, Station 11
Gainesville, FL 32627-0490

RE: Petitions **PB-16-107 LUC** and **PB-16-108 ZON**

Mr. Persons:

Thank you for the opportunity to review and provide preliminary comments on the proposed Future Land Use Change PB-16-107 LUC and Rezoning Petition PB-16-108 ZON. As we discussed in our meeting on September 21st, County staff have some concerns with the potential impacts on the County's transportation infrastructure as a result of the land use change and rezoning of the subject properties. As you know, the County's Comprehensive Plan has policies that very closely link land use, transportation and capital improvements planning. This link is implemented through the County's Multi-Modal Transportation Mitigation (MMTM) Program which is applicable inside the Urban Cluster that surrounds the City of Gainesville. As a result of the development of these properties within the City, the County is concerned that the transportation impacts will remain but that the mitigation to regionally significant infrastructure is not adequately provided for through the TMPA Zone D policies.

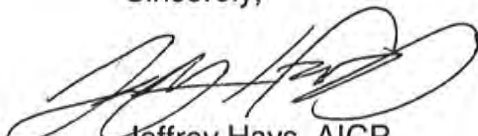
County staff will review the application and provide formal comments once the land use change is transmitted to the State. However, in the interest of intergovernmental coordination are providing these initial comments:

1. Development of the subject property could add 9,271 new daily trips to the transportation system west of I-75 according to the Staff Report. The properties will be accessed from SW 75th St (Tower Road) and SW 20th/24th Ave. Both of these County-maintained minor urban arterials are currently overcapacity, operating at Level of Service E. The County has adopted an areawide level of service for roadways to accommodate some corridor segments operating with volumes seen on these roadways. However, the areawide level of service can only be maintained by providing mobility improvements funded through sufficient mitigation of the impacts of new development to the transportation system.

2. The City's Transportation Mobility Element (TME) policy 10.8.1 states: *"The City shall require large developments that meet the Development of Regional Impact thresholds to address regional impacts on facilities."* As the staff report indicates, development of the subject properties would reach that threshold. When the City's TMPA Zone D was adopted, impacts to regional infrastructure and transit service in this area west of I-75 could not have been contemplated for the subject properties as they were not included in the Zone. It is not clear to County staff exactly how the "fee-in-lieu of" formula for the TMPA Zone D is calculated but as the City continues to annex property west of I-75, it may be necessary to update the basis of the formula to include needs in the vicinity of the subject properties.
3. The County currently funds the majority of RTS Route 75 that services the area. The TMPA Zone D has a transit funding requirements for Zone D projects that produce over 5,000 daily trips. It would appear that an appropriately conditioned Planned Use District (PUD), as detailed in TME Policy 10.2.7(e) would be one potential mechanism to insure that the subject properties do not develop in a piecemeal fashion to avoid this and other TMPA requirements. If the City feels that this is not appropriate in this situation, perhaps City staff or the property owner would have another suggestion as to the appropriate instrument that could be used to insure that regional transportation impacts will be mitigated as the properties develop.
4. The County's long range Capital Improvements Element includes transportation projects in the vicinity of the subject properties. These include roadway, transit and bicycle and pedestrian projects. The widening of the SW 20th Avenue bridge to four lanes is one of these projects. The bridge is functionally obsolete in terms of appropriate bicycle and pedestrian facilities in conjunction with the fact that the two lane facility is a major bottleneck for the gridded roadway network that the County and the City have planned for both sides of I-75. This project may be one that the City could consider working on jointly with the County to provide the necessary mobility into the major employment centers east of the interstate.

Thank you again for the opportunity to provide these preliminary comments and please let know if you have any questions.

Sincerely,



Jeffrey Hays, AICP



Alachua County Growth Management Department

Steven Lachnicht, Director

January 17, 2017

Mr. Ralph Hilliard
City of Gainesville Planning Manager
P.O. Box 490, Station 11
Gainesville, FL, 32627

RE: Proposed Comprehensive Plan Amendment PB-16-107 (FDEO Reference Number Gainesville 16-3ESR)

Dear Mr. Hilliard,

Thank you for the opportunity to review and comment on the proposed Comprehensive Plan Amendment referenced above, which was approved for transmittal by the Gainesville City Commission on December 15, 2016 and was received by the County on December 21, 2016. County staff previously sent a letter providing comments regarding the transportation system in a letter to City staff dated September 21st, 2016. At its meeting on November 8th, 2016 the Board of County Commissioners directed County staff to continue to work on this issue with the City. County staff had one preliminary meeting regarding transportation issues with City staff on this subject on October 27th, 2016. A follow up meeting regarding transportation issues has not yet been scheduled. In the interest of intergovernmental coordination, County staff offers the comments below for your consideration.

Impact on Urban Area Transportation System Planning

1. Development of the subject property under the future proposed land use designations could generate up to 9,271 new daily trips to the transportation system west of I-75 according to the Staff Report. The properties will be accessed from SW 75th St (Tower Road) and SW 20th/24th Ave. Both of these County-maintained minor urban arterials are currently overcapacity, operating at Level of Service E. The County has adopted an areawide level of service for roadways to accommodate some corridor segments operating with volumes seen on these roadways. However, the areawide level of service can only be maintained by providing mobility improvements funded through sufficient mitigation of the impacts of new development to the transportation system.
2. The City's Transportation Mobility Element (TME) policy 10.8.1 states: *"The City shall require large developments that meet the Development of Regional Impact thresholds to address regional impacts on facilities."* As the staff report indicates, development of the subject properties would reach that threshold. When the City's TMPA Zone D was

adopted, impacts to regional infrastructure and transit service in this area west of I-75 could not have been contemplated for the subject properties as they were not included in the Zone. It is not clear to County staff exactly how the “fee-in-lieu of” formula for the TMPA Zone D is calculated but as the City continues to annex property west of I-75, it may be necessary to update the basis of the formula to include needs in the vicinity of the subject properties.

3. The County currently funds the majority of RTS Route 75 that services the area. The TMPA Zone D has a transit funding requirements for Zone D projects that produce over 5,000 daily trips. It would appear that an appropriately conditioned Planned Use District (PUD), as detailed in TME Policy 10.2.7(e) would be one potential mechanism to insure that the subject properties do not develop in a piecemeal fashion to avoid this and other TMPA requirements. If the City feels that this is not appropriate in this situation, perhaps City staff or the property owner would have another suggestion as to the appropriate instrument that could be used to insure that regional transportation impacts will be mitigated as the properties develop.
4. The County's long range Capital Improvements Element includes transportation projects in the vicinity of the subject properties. These include roadway, transit and bicycle and pedestrian projects. The widening of the SW 20th Avenue bridge to four lanes is one of these projects. The bridge is functionally obsolete in terms of appropriate bicycle and pedestrian facilities in conjunction with the fact that the two lane facility is a major bottleneck for the gridded roadway network that the County and the City have planned for both sides of I-75. This project may be one that the City could consider working on jointly with the County to provide the necessary mobility into the major employment centers east of the interstate.

Natural Resource Impacts

5. Issue: The County identifies the three parcels south of SW 20th Avenue to be within the Hogtown Prairie Strategic Ecosystem (SE). This system is a prairie lake system that supports Haile Sink, the location where Hogtown creek drains into the Floridan Aquifer, high quality upland habitat, and Lake Kanapaha. Under County regulations, including Strategic Ecosystem and Preservation Buffer Overlay protections, the entire limit of the southern parcels would likely be protected in conservation. With annexation into the city and proposed land use change, residential density in the southern parcels is proposed to double from what was allowed in the county (up to 8 units/acre from the county's 1-4 units/acre).

Recommendation: Any development should be designed to leave the ecological integrity of the system intact. Connectivity of habitat, minimization of fragmentation of natural areas, protection of any wetlands, floodplains, and associated upland habitat should drive the design of any development in the area. The City of Gainesville adopted Strategic Ecosystem requirements in LDC Section 30-310. We recommend that the adopted standards be implemented including; resource-based planning and design, clustering development, limiting density, minimizing impacts and protecting upland habitat, wetlands, and wetland buffers. Development on any portion of the

southern parcels should carefully consider implementing design standards to minimize secondary impacts to the conservation resources on site and adjacent to the site.

6. Issue: Archaeological resources. There are 11 documented prehistoric archaeological sites within half a mile of the planning parcel, and one documented site within the limits of the southern three parcels that is potentially eligible for listing in the National Register of Historic Places. The properties proposed for annexation have never been subjected to a professional subsurface survey, though most of the area is considered to have high potential to harbor as-yet undocumented resources.

Recommendation: Require appropriate professional cultural resource management surveys consistent with federal and state standards and guidelines on all properties within the area proposed for annexation prior to development. A professional archeological survey should be conducted as early as possible to aid in the planning and design of the development. Similarly, require protection or mitigation of significant sites found consistent with federal and state standards and guidelines.

7. Issue: The southern parcels and portions of the northern parcel are located within Hogtown Prairie Reach watershed, which is associated with Haile Sink and Kanapaha Lake. Haile Sink is the terminus of Hogtown Creek and water discharges directly to the Floridan aquifer, our primary source of drinking water in Gainesville and all of Alachua County. Hogtown Creek has been determined to be impaired for fecal coliform bacteria. Lake Kanapaha has been identified as an impaired water body for nitrogen and phosphorus. A Total Maximum Daily Load (TMDL) was established by USEPA Region 4 in July 2006. The TMDL calls for a 30.4% reduction in phosphorus and a 30.6% reduction in nitrogen in Lake Kanapaha. FDEP has listed Lake Kanapaha on the Verified Impaired Waters list (303(d) list) for dissolved oxygen (DO) with the pollutants of concern (causing the low DO) listed as total nitrogen, phosphorus, and biochemical oxygen demand. Additional data are currently being evaluated by FDEP and once complete (2018), FDEP will likely list impairment for nitrogen and phosphorus in addition to DO (on the 303(d) Impaired Waters list). The EPA TMDL may be withdrawn once FDEP has completed their TMDL.

Recommendation: Limit potential point sources (i.e. large stormwater ponds and hazardous materials sites), require strong restrictions on fertilizer, pesticide, and herbicide use, and limit well construction and septic tanks. Provide standards and protections equivalent or greater that what is in Chapter 353 (Hazardous Materials Code), Alachua County ULDC.

If you have any questions or would like to discuss the matters detailed in the comments above, please contact me.

Sincerely,

Steven Lachnicht, AICP
Director of Growth Management

cc:

Board of County Commissioners
Ray Eubanks, Department of Economic Opportunity
Scott Koons, North Central FL Regional Planning Council
Dean Mimms, City of Gainesville

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