

to a point marking the intersection with the South right-of-way line of SW Archer Road and the Northerly most corner of City of Gainesville Annexation Parcel "F" as recorded in Ordinance 4048; thence continue along the line of Parcel "F" South 00 degree 55 minutes 42 seconds East a distance of 234.18 feet; thence South 00 degree 55 minutes 29 seconds a distance of 85.50 feet; thence South 88 degree 54 minutes 34 seconds West a distance of 223.66 feet; thence South 00 degree 56 minutes 48 seconds East a distance of 14.93 feet; thence South 88 degrees 55 minutes 48 seconds West a distance of 315.25 feet to the intersection with the East line of Section 12, Township 10 South, Range 19 East; thence continue South 00 degree 56 minutes 20 seconds East a distance of 1,379.70 feet to a point marking the Southeast corner of Section 12, Township 10 South, Range 19 East; thence continue along the South line of said Section 12, South 88 degrees 56 minutes 53 seconds West a distance of 330.03 feet; thence North 01 degree 15 minutes 28 seconds West a distance of 658.92 feet; thence South 88 degrees 48 minutes 38 seconds West a distance of 329.85 feet; thence South 88 degrees 49 minutes 43 seconds West a distance of 199.98 feet; thence South 88 degrees 52 minutes 50 seconds West a distance of 100.00 feet; thence North a distance of 160.34 feet; thence North 28 degrees 29 minutes 00 seconds West a distance of 182.85 feet to a point marking the intersection with the Southeasterly right-of-way line of SW Archer Road; thence along said line South 61 degrees 31 minutes 00 seconds West a distance of 655.70 feet; thence continue along said line South 60 degrees 30 minutes 28 seconds West a distance of 133.51 feet to the Point of Beginning.

LESS and except the following described area:

All that area lying and being in the City of Gainesville, Alachua County, Florida, lying East of the following described line:

Commence at the Northwest corner of the Northeast one-quarter (NE  $\frac{1}{4}$ ) of Section 30, Township 9 South, Range 21 East; thence run South along the West line of said Northeast one-quarter (NE  $\frac{1}{4}$ ) to a point 50 feet South of the South line of said Northeast one-quarter (NE  $\frac{1}{4}$ ); thence run East a distance of 176.35 feet; thence run South 48 degrees East to a point on the Southerly right-of-way line of State Road No. 222; thence run Northeasterly along said southerly right-of-way line to a point on the West line of the East one-half (E  $\frac{1}{2}$ ) of the Southwest one-quarter (SW  $\frac{1}{4}$ ) of the Northeast one-quarter (NE  $\frac{1}{4}$ ) of the aforementioned Section 30, Township 9 South, Range 21 East; thence run South along said West line to point of ending on the City of Gainesville city limits line.

EXHIBIT "C"

May 7, 2004

LEGAL DESCRIPTION FOR ZONE "B" OF THE TRANSPORTATION  
CONCURRENCY MANAGEMENT AREA

That area comprising Zone "B" of the Transportation Concurrency Area lying within the municipal boundaries of the City of Gainesville, Florida; (heretofore known as "city limits") as of April 1, 1999; being more particularly described as follows:

Commence at a point lying on the West city limits line, and being one-quarter mile (1/4 mile) north of the north right-of-way line of NW 53<sup>rd</sup> Avenue; thence run East parallel to and one-quarter mile (1/4 mile) north of said NW 53<sup>rd</sup> Avenue to the east line of the Southwest one-quarter (SW 1/4) of Section 17, Township 9 South, Range 20 East; thence run South along said east line to a point 933 feet (more-or-less) north of the south line of said Section; thence run West 682 feet (more-or-less); thence run South to the North right-of-way line of NW 53<sup>rd</sup> Avenue; thence run East to the east city limits line; thence follow said city limits line to a point on the northeast corner of the intersection of NE 15<sup>th</sup> Street and NE 39<sup>th</sup> Avenue; thence run West along the north right-of-way line of NE 39<sup>th</sup> Avenue and NW 39<sup>th</sup> Avenue to the east line of the Seaboard Coastline Railroad right-of-way line; thence run southerly along said east railroad right-of-way line to the north right-of-way line of NE 23<sup>rd</sup> Avenue; thence run West along the north right-of-way line of NE 23<sup>rd</sup> Avenue and NW 23<sup>rd</sup> Avenue to a point on the northerly extension of the east right-of-way line of NE 2<sup>nd</sup> Street; thence run South along said northerly extension and along the east right-of-way line of said NW 2<sup>nd</sup> Street to the north right-of-way line of NW 8<sup>th</sup> Avenue to the east right-of-way line of NW 34<sup>th</sup> Street; thence run South along the east right-of-way line of NW 34<sup>th</sup> Street and SW 34<sup>th</sup> Street to its intersection with a southerly city limits line; thence follow said city limits line in a westerly direction to its intersection with the east right-of-way line of Interstate 75; thence run northwesterly along said east right-of-way line to its intersection with the north right-of-way line of Newberry Road (being also a northern city limits line); thence follow the aforementioned city limits to the Point-of-Beginning, and close.

AND:

That property annexed into the City of Gainesville on January 10, 2000 as per Ordinance No 990947, being described as:

A part of the East half (E 1/2) of the Southeast Quarter (SE 1/4) of Section 22, Township 9 South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southeast corner of said East half (E 1/2) of the Southeast quarter (SE 1/4) and run thence North 89 degrees, 49 minutes, 38 seconds West, along the South boundary thereof, 1322.34 feet to the Southwest corner of said East half (E 1/2) of Southeast quarter (SE 1/4), thence North 0 degrees, 06 minutes, 22 seconds East, along the

West boundary of said East half (E ½) of Southeast quarter (SE ¼) 50.00 feet to the North right-of-way line of Northwest 39<sup>th</sup> Avenue and the point of beginning, thence continue North 0 degrees, 06 minutes, 22 seconds East, along said West boundary, 645.86 feet; thence South 89 degrees, 49 minutes, 38 seconds East, 250.00 feet, thence South 0 degrees, 06 minutes, 22 seconds West, parallel to said West boundary, 645.86 feet to said North right-of-way line, thence North 89 degrees, 49 minutes, 38 seconds West, along said right-of-way line 250.00 feet to the point of beginning.

AND:

That property annexed into the City of Gainesville on September 1, 2002 as per Ordinance 002394, being described as:

A parcel of land lying in the Southeast one quarter (SE ¼) of Section 27, Township 9 South, Range 19 East, Alachua County, Florida, and being more particularly described as follows:

Commence at the Southeast corner of said Section 27 and run North 0 degrees, 06 minutes, 52 seconds East along the East line of said Section a distance of 495.00 feet; thence run North 89 degrees, 55 minutes, 11 seconds West, a distance of 50.00 feet to the existing City of Gainesville limit on the West right-of-way line of County Road 232 (NW 43<sup>rd</sup> Street) and the Point of Beginning; thence continue North 89 degrees, 55 minutes, 11 seconds West, a distance of approximately 613.12 feet to a point on the East line of Lot 63 of the "Subdivision of Section 27, Township 9 South, Range 19 East, Arredondo Grant" as per the plat thereof as described in Plat Book "A" at page 55 of the Public Records of Alachua County, Florida; thence run North, a distance of approximately 165.07 feet to the Northeast Corner of said Lot 63; thence run West, along the North line of said Lot 63 also being the South line of Lot 50, of said "Arredondo Grant" a distance of 663 feet to the Southwest corner of Lot 50; thence continue West along the south line of Lot 51 of said "Arredondo Grant" a distance of approximately 663 feet to the Southwest corner of said Lot 51, thence run North along the West line of said Lot 51, a distance of approximately 663 feet to the Northwest corner of said Lot 51, said corner also being the Southwest corner of "Buck Ridge Unit-2" a subdivision as recorded in Plat Book "R", at page 31 of the Public Records of Alachua County, Florida; thence run along the West line of said "Buck Ridge Unit-2", North 0 degrees, 15 minutes, 19 seconds East a distance of 663.36 feet to the Northwest corner of said "Buck Ridge Unit-2"; thence run along the North line of said "Buck Ridge Unit-2", South 89 degrees, 42 minutes, 46 seconds East, a distance of 662.41 feet to the Northeast corner of said "Buck Ridge Unit-2", said corner also being the Northwest corner of Lot 47 of said "Arredondo Grant"; thence run East along the North line of said Lot 47 and along the North line of Lot 48 of said "Arredondo Grant" a distance of approximately 1276 feet to a point on the existing City of Gainesville limit on the West right-of-way line of County Road 232 (NW 43<sup>rd</sup> Street); thence run South along said existing City of Gainesville limit and Westerly right-of-way line a distance of approximately 1,485.00 feet to the Point of Beginning.

AND:

That property annexed into the City of Gainesville on December 10, 2001 as per Ordinance No. 002124, being described as:

A parcel of land lying in the Southeast one quarter (SE ¼) of Section 33, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Lot Three (3), of North Florida Regional Doctors Office Park, as per plat thereof recorded in Plat Book "H", Page 81 of the Public Records of Alachua County, Florida.

AND:

That property annexed into the City of Gainesville on September 9, 2002 as per Ordinance No. 020104, being described as:

A parcel of land lying in the Southeast one quarter (SE ¼) of Section 33, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Lots Two (2), of North Florida Regional Doctors Office Park, according to the plat thereof recorded in Plat Book "H", Page 81 of the Public Records of Alachua County, Florida.

AND:

That property annexed into the City of Gainesville on December 8, 2003 as per Ordinance No. 030457, being described as:

A parcel of land lying in the Southeast one quarter (SE ¼) of Section 33, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Lots One (1), and Twenty-Two through Twenty-Six (22-26), of North Florida Regional Doctors Office Park, as per plat thereof recorded in Plat Book "H", Page 81 of the Public Records of Alachua County, Florida.

AND:

That property annexed into the City of Gainesville on December 8, 2003 as per Ordinance No. 030458, being described as:

A parcel of land lying in the Southwest one quarter (SW ¼) of Section 33, Township 9 South, Range 19 East, Alachua County, Florida, being more particularly described as follows:

Lots Ten (10), Eleven (11), Sixteen (16) of North Florida Regional Doctors Office Park, as per plat thereof recorded in Plat Book "H", Page 81 of the Public Records of Alachua County, Florida.

LESS:

Any and all of that area and right-of-way known as Interstate 75.

## EXHIBIT "D"

May 7, 2004

### LEGAL DESCRIPTION FOR ZONE "C" OF THE TRANSPORTATION CONCURRENCY EXCEPTION AREA

That area comprising Zone "C" of the Transportation Concurrency Area lying within the municipal boundaries of the City of Gainesville, Florida; (heretofore known as "city limits") as of April 26, 2004 being more particularly described as follows:

Commence at a point marking the intersection of the East right-of-way line of SW 23<sup>rd</sup> Terrace with the South right-of-way line of SW Archer Road, said point also being the Northwestern corner of Parcel "F" of the city limits of Gainesville as recorded in Annexation Ordinance 4048; thence continue along said city limits South 01 degree 06 minutes 29 seconds East along the East line of SW 23<sup>rd</sup> Terrace a distance of 497.94 feet to a point; thence leaving said East right-of-way line proceed West 100.00 feet to the West right-of-way line of SW 23<sup>rd</sup> Terrace; said point also being the Northwest corner of Parcel "G", of the city limits of Gainesville as recorded in Annexation Ordinance 4048; thence South 01 degree 10 minutes 09 seconds East along the West line of said Parcel "G" to a point crossed by a line parallel to the south right-of-way line of SW Archer Road at a distance of 1,320 feet (1/4-Mile) from said South right-of-way line of SW Archer Road, and the Point-of-Beginning; thence Westerly along said parallel line to its intersection with the East right-of-way of SW 34<sup>th</sup> Street (State Road 121), thence North along said East right-of-way of SW 34<sup>th</sup> Street to the north line of the existing city limits, being also the north line of the property annexed into the city as recorded in Annexation Ordinance 020654; thence run West along said north line to the west line of said area, also being the west right-of-way line of SW 34<sup>th</sup> Street; thence run South along said west right-of-way line to the north line of SW Archer Road being also the north line of that area annexed into the city as recorded in Annexation Ordinance 001912; thence run Westerly to the west line of that area annexed into the city as recorded in the above mentioned Annexation Ordinance 001912; thence run Southerly and Southeasterly along the west line of said Annexation Ordinance to the south line of that area annexed into the city as recorded in Annexation Ordinance 001912, being also the south right-of-way line of SW Williston Road; thence run along the south right-of-way line of SW Williston Road to its intersection with the east right-of-way line of SW 23<sup>rd</sup> Street; thence follow the east right-of-way line of SW 23<sup>rd</sup> Street and along the east right-of-way line of SW 23<sup>rd</sup> Terrace to the Point-of-Beginning, and close.

LESS:

Any and all of that area and right-of-way known as Interstate 75.

1. **Petition 78LUC-04 PB** City Plan Board. Amend the City of Gainesville Comprehensive Plan 2000-2010 Future Land Use, Transportation Mobility, and Concurrency Management Elements' Map Series and legal descriptions to add a Zone C in the TCEA containing areas annexed in the Archer Road/Southwest area annexation; amend the Future Land Use Map Series to expand the Designated Urban Redevelopment Area to include the Archer Road/ Southwest area annexation; and amend the Transportation Mobility Element Existing and Potential Transit Hubs, Terminals, Transfer Stations Map.

Ms. Onelia Lazzari was recognized. Ms. Lazzari noted that the Plan Board had discussed the Transportation Concurrency Exception Area (TCEA) Zone C petitions at their June 2004 meeting. She presented a map of the proposed Zone C. She reviewed the reasons for forming the TCEA and policies added to encourage redevelopment. She pointed out the special area around the NW 13<sup>th</sup> Street and the proposed redevelopment policies for chronically vacant buildings.

Mr. Gold asked if there were other things that could be done about chronically vacant buildings.

Ms. Lazzari noted that there were several community redevelopment areas that helped provide some infrastructure. She indicated that there were other incentives that had been provided for the NW 13<sup>th</sup> Street Activity Center at the vacant K-Mart, however, those were outside the purview of the Planning Division. She noted that Map 14 in the board's packet mapped the commercial and office areas around NW 13<sup>th</sup> Street that would be under consideration for special concurrency credits. She offered to answer any questions from the board.

Mr. Cohen noted that the staff report for Petition 79CPA-04 PB, Attachment 2, discussed the best strategies for controlling and reducing congestion on Williston Road. He asked for more information on the matter.

Ms. Lazzari explained that Williston Road was on the Florida Intrastate Highway System and the City had to maintain a Level of Service C on the road. She indicated that there was a policy in the Transportation Mobility Element of the Comprehensive Plan that limited roads to 4 lanes, unless they were already wider. She explained that Williston Road was already 4 lanes and shared with Alachua County. She indicated that the TCEA encouraged cross connectivity and required that certain standards be met. She noted that it also provided a funding mechanism for some projects that would help ease transportation problems. Ms. Lazzari pointed out that some things would not be accomplished in the next 5 or 10 years, but the proposals were a starting point. She noted that multi-modal transportation was encouraged.

Mr. Cohen indicated that he understood that the goal of the NW 13<sup>th</sup> Street plan was to encourage redevelopment of that area. He pointed out that Concurrency Zone B was so large it seemed to be working against the idea of redevelopment. He suggested that the Plan Board consider the merits of having such a large Zone B so far away from the urban core area.

Ms. Lazzari explained that, when the original TCEA zones were established, information was provided about the level of vacant developable property in the redevelopment areas. She stated that all of Zone B, while not downtown, was highly urban in nature and had all of the public facilities such as roads and schools, and

*These minutes are not a verbatim account of this meeting. Tape recordings from which the minutes were prepared are available from the Community Development Department of the City of Gainesville.*

utilities. She pointed out that there were special concerns for NW 13<sup>th</sup> Street separate from Zone B. She noted that the area had several empty big boxes, which quickly turned to blight and were very difficult to redevelop. Ms. Lazzari explained that staff had to convince the State of Florida Department of Community Affairs that a special exception was required to provide the proposed incentives on NW 13<sup>th</sup> Street.

Mr. Reiskind asked what kind of trip generation a new McDonald's would have.

Ms. Lazzari stated that a drive through was high trip generator. She noted that the number of seats inside the restaurant was also a factor.

Mr. Reiskind, addressing the required standards, asked if a public/private combination would fund some of the priority projects.

Ms. Lazzari agreed that they would. She noted that when the Shops of Williston Road came in, transportation mitigation funds were collected from the development. She discussed the process for assessing standards.

Mr. Tecler noted that Ms. Lazzari had indicated that Zone B was a market driven area. He asked how much incentive the requirements under Zone B provided. He asked about the number of standards for a new grocery store.

Ms. Lazzari indicated that it depended on the size of the development. She noted that the incentives were for redevelopment.

Mr. Tecler asked if the number of trip credits provided were really an economic incentive given the additional requirements of the TCEA. He suggested that there was more regulation in Zone B than was needed.

Ms. Lazzari stated that Zone B was an enormous incentive for the development community. She noted that Zone B had most of the congested roads in the City, and a strictly literal interpretation of transportation concurrency regulation would require that some projects could not be developed. She explained that the City had to work with the Florida Department of Transportation (FDOT) and the Department of Community Affairs, (DCA) on the issue of concurrency. She pointed out that, if exceptions were to be provided for transportation concurrency, FDOT and DCA required that certain things be done and those things were stated clearly in the State Statutes. She pointed out that development was being permitted on Newberry Road only because of the TCEA and the required mitigation standards.

Mr. Tecler noted that the standards for development were less stringent in Zone A than in Zone B. He asked why the special NW 13<sup>th</sup> Street was not in Zone A.

Ms. Lazzari explained that, when the TCEA was first established in 1999, the NW 13<sup>th</sup> Street area was thriving and, therefore, it was placed in Zone B. She stated that staff believed that the problems in the NW 13<sup>th</sup> Street were temporary since it had a good population and income base, as opposed to some areas of Zone A. She pointed out that the City was making a special consideration for NW 13<sup>th</sup> Street.



Mr. Tecler suggested that the situation on NW 13<sup>th</sup> Street was not temporary since people tended to shop in the more western areas of the community.

Ms. Lazzari pointed out that the blight and income levels in the NW 13<sup>th</sup> Street were not conducive to placing it in Zone A. She stated that, if in a year or two, the City discovered that transportation issues were holding the area back, it would be reevaluated. She explained that transportation was not the only constraint on redevelopment in the NW 13<sup>th</sup> Street area, and environmental issues were involved. She agreed that there were vacant buildings, but the available trips were there as an incentive. Ms. Lazzari stated that the TCEA Zone B was not the only thing that was holding the area back from. She noted that staff was pushing the limits of DCA in providing concurrency incentives for NW 13<sup>th</sup> Street.

Mr. Gold asked if the City would lose State funding if Williston Road fell below level of service C.

Ms. Lazzari explained that, if the City did not have a TCEA in the area, development would cease. She noted that the TCEA was the mechanism that permitted development and redevelopment in the area. She indicated that the City would not lose State funds, and FDOT did allow certain variances on State regulations.

Mr. Gold asked if the new University of Florida retirement facility would have an impact on Williston Road.

Ms. Lazzari indicated that it would, however, given the demographics of the residents, they usually were not on the road at the AM and PM peak traffic hours. She noted that the facility did offer a shuttle service.

Chair Pearce agreed that there needed to be additional incentive for redevelopment. He explained that most people did not understand how difficult redevelopment could be.

Mr. Rwebyogo asked about funding for the prioritized transportation projects in Zone C.

Ms. Lazzari stated that part of it would be funded by the developments occurring in the area. She indicated that funding would also be sought through the MTPO and federal grants for transit.

Chair Pearce opened the floor to public comment.

Mr. John Fallon, property owner, was recognized. Mr. Fallon indicated that he approved of the petition. He cited a concern about the intersection of South Main Street and Williston Road.

Ms. Lazzari indicated that the intersection was in an FDOT work program for upgrading.

Chair Pearce closed the floor to public comment.

Mr. Gold indicated that he supported the petition.

Mr. Cohen requested that the board look again at the Zone B issue. He noted that there had been a very contentious issue involving a proposed Wal-Mart on NW 53<sup>rd</sup> Avenue. He noted that, should the petition have been approved, Wal-Mart's contribution to the TCEA mitigation would have been \$450,000, which was very small given the fact that the road improvements would have cost millions. He pointed out that the proposed Wal-Mart was a result of the fact that the property on NW 53<sup>rd</sup> Avenue was in TCEA Zone B. Mr. Cohen noted that there had been discussion of redevelopment, but extending the TCEA B past NW 53<sup>rd</sup>

Avenue would cause sprawl. He suggested that, if the intent was to improve NW 13<sup>th</sup> Street, Zone B should be rolled back to a smaller area.

Ms. Lazzari explained that Policy 1.1.5 of the Concurrency Management Element stated that, "transportation modifications which are required due to traffic safety and/or operating conditions and which are unrelated to transportation concurrency shall be provided by the developer and any such items provided shall not count toward meeting required standards in Policy 1.1.6. She indicated that staff knew that the Wal-Mart would be providing a certain number of standards based upon trip generation, but over and above that, the improvements that FDOT and Alachua County were going to require on NW 53<sup>rd</sup> Avenue would have been mandatory as part of the development order. Ms. Lazzari noted that developments that generated more than 5,000 trips had to be on an existing transit route or provide the transit route. She reiterated that the area around NW 53<sup>rd</sup> was already urban in character.

Mr. Cohen stated that he appreciated Ms. Lazzari's comments and concurred with most of them. He explained that he was concerned that a TCEA covering most of the City could result in the opposite of its stated goal. He stated that the TCEA defined the entire City as urban, and as such, permitted developments like the proposed Wal-Mart at NW 53<sup>rd</sup> Avenue. He stated that, if the site of the proposed Wal-Mart was not in the TCEA and the level of service was failing, it could not be built without major roadwork. He stated that if there were no TCEA at NW 53<sup>rd</sup> Avenue, development would be limited.

Ms. Lazzari explained that there were enough trips on NW 53<sup>rd</sup> Avenue and NW 13<sup>th</sup> Street that some type of development could happen, possibly multi-family under the existing zoning and land use. She noted that the Wal-Mart situation was a land use and zoning issue, and not necessarily a concurrency issue. She pointed out that the City was 5.6 % of the area of Alachua County and many transportation concurrency problems were not related to development within the City. She explained that should the TCEA be pulled back, and transportation concurrency problems occur, the City could have issues with property rights and taking.

Mr. Cohen suggested that, if there was no TCEA at NW 53<sup>rd</sup> Avenue, development could proceed but could not be something as large as 250,000 square feet. He suggested that the TCEA was counter productive. Regarding the property rights issue, he pointed out that there was no development proposed and the current land use did not allow any box larger than 100,000 square feet. He suggested that moving the TCEA back would not be a taking.

Ms. Lazzari explained that she had spoken to the City Attorney on the issues and was informed that if there were solutions to transportation concurrency available, the City had to take advantage of those solutions. She stated that it would be acceptable if there were no solutions, but if solutions were available and they met the state criteria and the City did not take advantage of them, there would be some liability. She explained that the Wal-Mart was a land use issue, and the Plan Board and City Commission could turn down a land use amendment and that land use did not vest for concurrency.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Cole
<u>Moved to:</u> Approve Petition 78LUC-04 PB, with the addition of Map 14 from the Data and Analysis Report supplement to the Concurrency Management Element.	<u>Upon Vote:</u> Motion Carried 6 - 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Cole, Pearce.