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# DEVELOPMENT REVIEW STAFF REPORT

PLANNING & DEVELOPMENT SERVICES DIVISION

THOMAS CENTER BUILDING "B"

306 NE 6<sup>TH</sup> AVENUE (352)334-5023

Petition Number: DB-10-6

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## *Preliminary Development Plan Review for Highway 441 Super Wal-Mart*

Presented to Development Review Board  
March 11, 2010

**PROJECT DESCRIPTION:** Construction of a 170,200 sq ft retail supercenter with three associated outparcels.

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### PROPERTY DESCRIPTION:

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Address/Parcel:	5800 Block of NW 34 <sup>th</sup> Street
Acreage:	38.9 acres
Land Use:	Mixed Use Medium-Intensity
Zoning:	MU-2
Special Features:	Central Corridors design standards
Agent/Applicant:	Wal-Mart Stores East, L.P.
Property Owner:	Pinkoson and Pinkoson; Suntrust Bank; Turkey Creek, Inc.; Eloise R. Chandler; Pinnacle Properties, LLC

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**STAFF RECOMMENDATION:** Approval of the Preliminary Development Plan with Staff Conditions

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## SUMMARY OF TECHNICAL REVIEW COMMITTEE COMMENTS

*Detailed comments provided at end of report*

### I. Department:

<b>Current Planning:</b>	Approvable with Conditions
<b>Concurrency Management:</b>	Approvable with Conditions
<b>Arborist:</b>	Approvable with Conditions
<b>Public Works Engineering:</b>	Approvable with Conditions
<b>Transportation Planning:</b>	Approvable with Conditions
<b>Environmental Coordinator:</b>	Approvable with Conditions
<b>Solid Waste:</b>	Approvable
<b>RTS:</b>	Approvable with Conditions
<b>Building:</b>	Approvable
<b>Fire:</b>	Approvable with Conditions
<b>Gainesville Regional Utilities:</b>	Approvable with Conditions
<b>HAZMAT:</b>	Approvable with Conditions

090906b

## PROJECT ANALYSIS

### SURROUNDING PROPERTY CHARACTERISTICS

	Land Use	Zoning	Current Use
North	Mixed Use Medium	MU-2	Commercial shopping center; individual retail uses; offices
South	Single Family; Residential Medium	RSF-2; RMF-7	Multi-family and single-family residential
East	Public Facilities; Recreation; Industrial	PS; I-1	Offices; public park; industrial uses
West	Single Family; Residential Medium	RSF-2; PD	Multi-family and single-family residential

### GENERAL DESCRIPTION AND KEY ISSUES:

The development site is located southwest of the intersection of NW 34<sup>th</sup> Street and Highway 441. The property has frontage on NW 34<sup>th</sup> Street, but also has substantial frontage along the private streets of NW 23<sup>rd</sup> Street and NW 62<sup>nd</sup> Avenue. The land use designation of the property is Mixed-Use Medium-Intensity and the zoning district is MU-2. The development plans consist of a Wal-Mart Supercenter, located generally at the corner of NW 34<sup>th</sup> Street and NW 23<sup>rd</sup> Street, and three separate outparcels that are proposed for future commercial development. The proposed retail store and other potential commercial uses are permitted within the land use and zoning district. The development plan also proposes to realign NW 23<sup>rd</sup> Street, a private road, through the length of the project site. This street would be reconstructed all the way to Highway 441 as part of the proposed development, and a new traffic light would be added at its intersection with NW 34<sup>th</sup> Street. A large parking area and several stormwater basins are included as part of the development. This proposal was submitted as a preliminary development plan, and so a traffic study, wetlands mitigation plan, and final stormwater calculations were not required as part of the submittal. If the Development Review Board grants approval of the preliminary plans, then these items will be required as part of the staff review of final development plans.

The subject property is now located within Zone B of the City's Transportation Concurrence Exception Area. A recently adopted amendment to the Land Development Code applies the Central Corridors Overlay District design standards to all new development and redevelopment within the expanded TCEA [Section 30-38.3(d)(1)]. These standards regulate building placement, location of parking, sidewalks, building wall articulation, and placement of mechanical equipment. Since NW 34<sup>th</sup> Street is a regulated roadway within the TCEA, these standards apply to this development. Exceptions to these standards may be granted by the reviewing board, provided that the proposed development is consistent with the overall intent of the Central Corridors Overlay District.

090906b

## COMPREHENSIVE PLAN CONSISTENCY:

Following is an analysis of the consistency of the proposed plan with the applicable policies of the Comprehensive Plan.

### Mix of Uses

The proposed development is located within the Mixed-Use Medium-Intensity land use designation. Policy 4.1.1 of the Comprehensive Plan states that development in this land use is intended to function as a neighborhood center serving multiple neighborhoods. This policy also states that within the Mixed-Use Medium-Intensity land use designation, at least 10 percent of the developed floor area be residential (for new development or redevelopment which is over ten acres in size). Alternatively, this policy provides that a surrounding area of equal or greater size than the site, within ¼-mile of the site, must have a residential density of at least 6 units per acre.

The western edge of the site abuts the Pine Ridge Planned Development, which includes multifamily buildings developed at over 10 units per acre. Further to the west is the Northwood Pines single-family neighborhood, which contains ¼-acre lots for an overall density that is just less than 4 units per acre. The petitioner submitted information with the development plans that demonstrates that the residential density within an equal-sized area adjacent to the site is over 6 units per acre, consistent with Policy 4.1.1.

### Urban Design

Policy 1.1.8 of the Urban Design Element states that "the City shall encourage the conversion of activity centers and conventional shopping centers into more traditional, livable town centers through redevelopment or addition of uses." This policy further states that "the City should encourage new, additional buildings relatively near the street where site planning allows adequate space, addition of residential units in existing activity centers, and design features that encourage a transformation of shopping centers into appealing, 'destination' town centers." Objective 1.3 and the related Policies 1.3.1 through 1.3.5 of the Future Land Use Element are intended to lead to the adoption of "land development regulations that guide the transformation of conventional shopping centers into walkable, mixed-use neighborhood (activity) centers." The policies are not prescriptive and individually do not require developments to meet any specific standards. However, they do reflect the vision that the City has for a certain type of new development within existing conventional shopping center areas. This vision includes interconnected streets, street-facing buildings, safe and convenient travel for bicyclists and pedestrians, a mix of uses, multiple connections to surrounding areas, and subordinated parking areas. Policy 4.1.1 also requires buildings in the Mixed-Use Medium-Intensity land use to "face the street and have modest (or no) front setbacks."

All of the policies above describe commercial areas where buildings, rather than parking areas, are emphasized along streets, and where new developments are integrated into surrounding uses and provide for a walkable environment. In order to better meet the intent of these policies, the development plans provide for the future development of three outparcels at significant locations on the site – at the corner of NW 34<sup>th</sup> Street opposite the proposed Wal-Mart building, at the corner of NW 23<sup>rd</sup> Street and NW 62<sup>nd</sup> Avenue, and along NW 62<sup>nd</sup> Avenue near the Pine Ridge neighborhood. The first two outparcels will allow for the construction of buildings that will 'anchor' the two street intersections adjacent to the site. The third outparcel at the northwest corner will allow for the development of a building that will help frame the street corridor of NW 62<sup>nd</sup> Avenue. The presence of buildings at these locations will create a more walkable environment, by breaking up the potential open expanse at the north end of the development and by providing more activity along the street frontage. These buildings would

090906b

also serve to more successfully integrate the development with the adjacent residential area to the west and the adjacent commercial developments. The proposed parking for the development is subordinated by locating the vast majority of parking spaces behind or to the side of the buildings, rather than between the buildings and the street.

### **Bicycle and Pedestrian Facilities**

An extensive sidewalk system is included with the development that will connect the Wal-Mart building and outparcels to each other, to the adjacent streets, and to the residential neighborhood to the south. However, Policy 1.2.9 of the Future Land Use Element specifically requires the provision of intermediate pedestrian connections on block faces over 480 feet. The frontage of this development along NW 23<sup>rd</sup> Street far exceeds 480 feet. Therefore, at least one pedestrian pathway must be provided from the public sidewalk on 23<sup>rd</sup> Street directly through the development to the Pine Ridge neighborhood to the southwest. During the conceptual review hearing, the petitioner indicated that there were legal obstacles to providing a functional pedestrian connection to the neighborhood. As an alternative, a sidewalk should be run to the edge of the property to allow for future connections with redevelopment. The proposed plans already include a pedestrian pathway that runs from NW 23<sup>rd</sup> Street, in front of the northern entrance to the Wal-Mart building, and directly across the majority of the site. In order to best meet the intent of Policy 1.2.9, this existing sidewalk should be continued southwest, across the freight entrance drive, through the screen wall, and then run to the edge of the property line. The sidewalk should curve as needed so that it ends at a point where it aligns with the end of one of the private parking drives in the adjacent residential development. This would at least allow for a pedestrian connection to be made when and if the adjacent development agrees to provide one, or when redevelopment occurs. For safe pedestrian travel, a crosswalk should also be included across the freight entrance drive and a pedestrian bridge should be provided across the drainage ditch. Pedestrian lighting should be provided for security.

### **Transit Facilities**

Policy 1.1.8 of the Urban Design Element also states that development of activity centers and shopping center areas "shall be supportive of transit." There is an existing Regional Transit System bus route that runs along NW 23<sup>rd</sup> Street through the development site. The proposed development plan supports this transit service by incorporating two RTS stops (including bus bays and shelters) and a park-and-ride parking lot, which are connected directly to the development by pedestrian facilities. The park-and-ride parking lot is intended to serve those traveling down Highway 441 from north of Gainesville, and will allow them to park and continue their commute by bus into the center of town.

### **Compatibility**

Policy 4.2.1 of the Future Land Use Element provides that "The City shall adopt land development regulations that provide protections for adjacent residential areas and low intensity uses from the impacts of high intensity uses by separating intense uses from low intensity uses by transitional uses and by performance measures." The performance measures listed in this policy include buffering of adjacent uses with landscaping, regulating building scale and orientation, regulating the arrangement of functions such as parking, loading waste disposal, access points, outdoor uses, and mechanical equipment, and the preservation of natural features and tree canopy. This policy has been implemented in the Land Development Code within the zoning standards for each district, the landscaping and buffering standards, access regulations, and other code sections pertaining to new development. Therefore, for this proposed development, there are particular standards in the Land Development Code that address the relationship between the uses allowed within the zoning district and adjacent residential uses. These standards include zoning setbacks (100' minimum side and rear

090906b

setbacks from properties with residential zoning and/or land use), buffering requirements ('Type C' adjacent use buffer between commercial and residential uses), and the general performance standards for all development. The minimum 100' setback is provided at the rear of the Wal-Mart store where it is adjacent to residential properties. The proposed building, as well as the trash compactor and the freight unloading area, meet this required setback. Sufficient plantings to meet a Type C Buffer are shown on the landscape plans. In addition to these minimum requirements, the plans include a natural buffer of existing vegetation that ranges between 40' and 80' in width, an 8' concrete wall that screens the rear of the property, and an additional wall that directly screens the wells where trucks will load and unload. Staff has recommended that the petitioner provide written explanations of how the proposed development will comply with the general performance standards in Section 30-345.

Policy 4.2.3 further requires that, prior to a final development order, "the intensity of a use appropriate to any parcel shall be determined based upon ... the compatibility of the proposed land use with that of surrounding existing land uses and environmental conditions specific to the site." A specific concern with large-scale retail uses is the frequency and level of noise generated by the unloading of trucks, particularly when they are adjacent to residential uses. Staff has requested information regarding the frequency and timing of deliveries to the proposed store, and suggests that Wal-Mart determine whether it is feasible to place restrictions on this particular facility in order to minimize the potential impact on the adjacent residences.

### LAND DEVELOPMENT CODE:

Following is an analysis of the proposed plan and its adherence to regulations within the different sections of the Land Development Code.

#### Central Corridors Design Standards

Central Corridors design standards are applied through the TCEA and include measures that affect the overall layout of a development site and the design features of buildings on the site. Perhaps the most significant of these requirements is the build-to line standard, which states:

*"In most instances, the build-to line shall be 80 feet from the curb or edge of pavement for at least 70 percent of the building façade."*

The standard continues to describe factors where variations to the build-to line may be considered. A build-to line closer than 80 feet is allowed for, but is limited to "no closer than 14 feet from the curb or edge of pavement along an arterial, 12 feet along a collector, and 11 feet along a local street." An allowance for new buildings to align with existing buildings within the same block face is also described (resulting in build-to lines either closer or farther than the 80' standard). For development proposals with more than one street frontage, the Central Corridors language direct buildings to be located on the more primary frontage: "Buildings on corner lots or buildings on more than one street frontage shall, in most instances, have the 80-foot build-to line requirement on the more primary street frontage area." Finally, there is an allowance for the establishment of build-to lines greater than 80' where warranted by site constraints or significant design features. Within the build-to line standard, there is considerable room for consideration of unique factors; flexibility and interpretation by staff and the reviewing board. This begins with the fact that the build-to line standard is itself qualified by the phrase "in most instances."

The Land Development Code makes it clear that the Central Corridors standards prevail where there is an apparent conflict with other requirements. Therefore, the build-to line standard supersedes the front yard setback standard within the MU-2 zoning district that would otherwise apply to this development. Staff has determined that NW 34<sup>th</sup> Street represents the primary

090906b

street frontage for this project, because of its higher level of function and the fact that it is a public roadway. Therefore, in the opinion of staff, the build-to line is most appropriately applied from the frontage along NW 34<sup>th</sup> Street. It is the preliminary conclusion of staff that the section of 34<sup>th</sup> Street in front of Wal-Mart will be widened as an operational and safety requirement for this proposal, and that the edge of the street curb will be moving outward. However, a traffic study for this plan has not yet been completed and reviewed, and so the four-lane expansion of 34<sup>th</sup> Street is not shown on the plans. The traffic study will be a requirement of final staff review, and the final development plans will almost certainly include a four-lane version of NW 34<sup>th</sup> Street. At this time, however, staff has measured the build-to line from the edge of curb of the street as it is currently shown on the development plans. Excluding the recessed freight unloading area, the side of the building that faces NW 34<sup>th</sup> Street ranges from approximately 105' to 155' from the edge of curb (and 75' to 130' from the property line). The variation in this distance results primarily from the curvature of NW 34<sup>th</sup> Street along the project site. Appropriately, the loading and storage areas for the garden center portion of Wal-Mart are located the furthest from the street, while the public entrances are located closest to the street. The main freight area is located over 300 feet away from 34<sup>th</sup> Street, and is screened by 80 feet of existing natural vegetation. The side of the building facing NW 23<sup>rd</sup> Street ranges from approximately 85' to 185' from the edge of curb. Again, this variation in the building distance from the street results from the layout of NW 23<sup>rd</sup> Street as it bends northwest toward its intersection with Highway 441. Whatever the reasons, it is clear that 70% of the building is not located within 80' of the edge of curb of NW 34<sup>th</sup> Street, meaning that the proposed development is not strictly meeting the build-to line standard. The Development Review Board will need to grant an exception from this specific requirement in order to approve the development proposal.

Other than the build-to line standards, there are several other applicable Central Corridors design standards outlined here:

- No more than one double-loaded row of parking may be located between the building and the adjacent street frontages to this development, and the remaining parking must be located to the side or rear of the building. The design of the development meets this requirement.
- The main entrance to the building must face the primary street. The development plans propose three main building entrances of almost identical design and prominence, one of which faces directly onto NW 34<sup>th</sup> Street.
- A minimum glazed area of 25% is required on the building façade that faces the primary street. The elevations provided show that 15% glazing has been provided on the facades on both NW 23<sup>rd</sup> Street and NW 34<sup>th</sup> Street, and the applicant is contending that this meets the intent of the Central Corridors as effectively as the provision of 25% glazing would along the one required street.
- Mechanical equipment shall be placed on the roof, or at the rear or side of the building, and shall be visually screened from the street. Please add a statement to the site plans ensuring this requirement is met.
- A 10'-wide minimum sidewalk is required along commercial arterial roadways. The plans show such a sidewalk along the entire frontage of the property on NW 34<sup>th</sup> Street.

With the exception of the glazing requirement, all of these standards have been clearly met and depicted on the development plans, or it can be ensured that they will be met with the final plans. The Development Review Board will need to grant an exception from the glazing requirement in order to approve the development proposal.

At the conceptual review on December 10, 2009, the Development Review Board indicated a willingness to support an exception from the build-to line standard, while underlining the importance of the relationship between the Wal-Mart building and both street frontages. For the board to approve a waiver from the specific build-to line and glazing requirements in the Central

090906b

Corridors Overlay, the development must demonstrate that intent has been met. The language in the Land Development Code states specifically:

*"Exceptions to these standards can be granted by the appropriate reviewing board, city manager or designee, upon a finding that either of the following criteria are met:*

- 1. The proposed construction is consistent with the overall intent of the Central Corridors standards; or*
- 2. The applicant proves an undue hardship, owing to conditions peculiar to the land or structure and not the result of the action of the applicant, would result from strict adherence to these standards."*

In the opinion of City staff, the overall intent of the Central Corridors standards has been met with these plans. This has been accomplished by locating the building relatively close to both NW 34<sup>th</sup> Street and NW 23<sup>rd</sup> Street, with efforts to design at a human scale, and with pedestrian amenities and improvements to the building facades along both streets. The strict requirements of the Central Corridors standards only regulate building placement, orientation and design on one street, whereas the development proposal has attempted to address these principles along both NW 34<sup>th</sup> Street and NW 23<sup>rd</sup> Street. The development includes street trees and garden walls along the public street sidewalk on NW 34<sup>th</sup> Street, which helps to fulfill the intent of the build-to line by framing the street. Street trees are also provided along NW 23<sup>rd</sup> Street, and an outdoor café is included at the front of the store, which further serves to relate the proposed development to the adjacent street environment. There are main entrances provided on both street frontages, and these serve pedestrians by providing direct sidewalk access from the adjacent streets. Entrances have been located closest to the street, while the service and delivery functions of the store have been located furthest from the street. Although no part of the building is located within 80' of the street, a relationship between the proposed commercial use and the street is clearly and distinctly established, and the building is still located at a reasonable distance from the street so that it is easily accessible to transit riders, pedestrians and bicyclists.

Glazing is provided alongside both streets, although the standard for a minimum 25% glazing on NW 34<sup>th</sup> Street is not met. The intent of requiring a certain amount of glazing on buildings is described under the building wall articulation standard in Central Corridors. The language there states that buildings shall be designed to *"provide streetfront vitality"*, and relate to pedestrians by avoiding long expanses of blank walls without relief or interest. Staff is of the opinion that the proposed building includes the necessary architectural relief and details, combined with an amount of storefront glazing along both streets, to meet the intent of the articulation standard.

#### **MU-2 Zoning Standards**

The proposed development is located within the MU-2 zoning district and must meet setbacks and other zoning standards for that district, except where they are superseded by the requirements of the Central Corridors Overlay District. Specifically, the MU-2 front setback requirement is superseded by the build-to line standard within the overlay district, while the side and rear setbacks for the zoning district still apply. The side and rear yard setback for the MU-2 district are only defined where the property is adjacent to "property which is in a residential district, or is shown on the future land use map of the comprehensive plan for residential use." A 100' setback is required and provided along the southeastern property line where it abuts the Pine Ridge neighborhood. No specific street side setback is required along NW 23<sup>rd</sup> Street.

#### **Parking Standards**

There are 681 vehicular parking spaces required for the proposed 170,202 sq ft Super Wal-Mart, based on the parking requirement for retail stores, which is calculated at one space for every 250 square feet [Section 30-332]. The proposed plans provide 688 vehicular parking



spaces (670 standard vehicle spaces and 18 ADA spaces). Section 30-333 states that excess parking is prohibited in the TCEA and defines excess parking as "vehicular parking that exceeds the amount required by this chapter by more than ten spaces or more than ten percent, whichever is greater." The proposed number of parking spaces is within the 10% above the amount prescribed by the Land Development Code, and is therefore not considered excess parking. Motorcycle spaces are provided at a rate of 1 space per 40 vehicular spaces, as required by the Land Development Code. There are 68 bicycle spaces provided (meeting the 10% requirement) and those spaces are distributed at the three building entrances.

### Landscaping Standards

The proposed landscaping plans have been reviewed for compliance with the Land Development Code standards for landscaping for streets, buffers, parking lots, and stormwater basins. Landscaping is not shown within the proposed outparcels, since development of buildings at these locations would require separate development plan approval.

### Wetlands Protection and Mitigation

This plan proposes removing a low-quality, 349-square-foot wetland. The applicant shall provide reasonable assurance that this development meets the criteria in Section 30-302.1(d) and (e), Gainesville land development code:

*"(d) Avoidance through minimization. Avoidance of loss of wetland function and wetland habitat is of the highest priority. The owner shall avoid loss of wetland function and wetland habitat by implementing practicable design alternatives to minimize adverse impacts to wetlands, except as permitted in this section:*

*The adverse impacts remaining after practicable design modifications have been made shall be offset by mitigation as provided herein. A development activity cannot cause a net adverse impact on wetland functions, wetland habitat, or surface water functions, if such activity is not offset by mitigation.*

*Avoidance through practicable design modifications is not required when the ecological value of the function provided by the area of wetland is low and the proposed mitigation will provide greater long-term ecological value than the area of wetland to be affected."*

*"(e) Conditions for the issuance of a development permit for property upon which wetlands are located. The city manager or designee or appropriate reviewing board shall review all permit applications based on the conditions set forth below. No development of property containing wetlands shall be permitted unless the owner provides reasonable assurance that the activity:*

- (1) Will not adversely impact the value of wetland functions provided to fish and wildlife and listed species;*
- (2) Will not cause adverse secondary or cumulative impacts to water and wetland resources;*
- (3) Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;*
- (4) Will be conducted by an entity with the sufficient financial, legal and administrative capability to ensure that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued;*
- (5) Will comply with criteria for buffer zones set forth herein;*
- (6) Is consistent with the owner's stormwater management permit, if required;*  
*and*
- (7) Is clearly in the public interest based on a balancing of the following criteria:*

090906b

- a. Whether the development activity requires location in, on, or over wetlands or surface waters in order to fulfill its basic function;
- b. The effect of the development activity on the public health, safety, or welfare or the property of others;
- c. The effect of the development activity on fish, wildlife and native plant communities;
- d. The effect of the development activity on recreation, open space and aesthetic values;
- e. The effect of the development activity on significant historical and archaeological resources;
- f. Whether the development activity will be of a temporary or permanent nature;
- g. The current condition and relative value of wetland functions being performed by areas affected by the proposed activity;
- h. The type, extent, and geographic location of any mitigation proposed;
- i. The extent to which the development furthers the goals of the comprehensive plan, and the proximity of the development to existing infrastructure."

If this proposed wetland impact is approved, before final approval of this project the applicant shall submit a mitigation plan that complies with 30-302.1(f) through (k). The proposed mitigation will involve creating a littoral zone at the edge of one of the stormwater ponds. Although this is not similar to the original wetland type of the area (cypress-black gum swamp), it will provide some additional habitat for wetland-dependent wildlife. Financial assurance in the amount of 120% of the estimated cost of each phase of the mitigation will be provided to the city in accordance with 30-302.1(l). The mitigation area will be permanently protected, preferably by a conservation easement, in accordance with 30-302.1(j). The ditch along the western property boundary is a human-created surface water. Therefore, activities within and along this ditch, such as the construction of a bridge over it, are exempt from the buffer and mitigation requirements of the land development code (Section 30-304(a)(8)). However, any work in this ditch must avoid degradation of natural surface waters and wetlands downstream.

**Wellfield Protection**

This project is located within the Tertiary Wellfield Protection Zone. Comments from Gainesville Regional Utilities indicate that the development meets the criteria for exemption from a wellfield protection permit, and a signed Wellfield Exemption Form has been provided.

**STAFF RECOMMENDATION:**

Staff recommends **approval** of Petition DB-10-6 (Highway 441 Super Wal-Mart) with the Staff Conditions listed below.

**Staff Conditions to be addressed with the Final Development Plan:**

**Planning**

1. The proposed plans already include a pedestrian pathway that runs from NW 23<sup>rd</sup> Street, in front of the northern entrance to the Wal-Mart building, and directly across the majority



of the site. In order to best meet the intent of Policy 1.2.9, this existing sidewalk should be continued southwest, across the freight entrance drive, through the screen wall, and then run to the edge of the property line. The sidewalk should curve as needed so that it ends at a point where it aligns with the end of one of the private parking drives in the adjacent residential development. This would at least allow for a pedestrian connection to be made when and if the adjacent development agrees to provide one. For safe pedestrian travel, a crosswalk should also be included across the freight entrance drive and a pedestrian bridge should be provided across the drainage ditch. Pedestrian lighting should be provided for security where needed.

2. Provide written explanations of how the proposed development will comply with the general performance standards in Section 30-345. The petitioner should also provide information regarding the frequency and timing of deliveries to the proposed store, and any restrictions on deliveries to this particular facility that may be utilized to minimize the potential impact on the adjacent residences.
3. Consider placing a short sidewalk connection from the bus shelter on the west side of NW 23<sup>rd</sup> Street to the front of the Wal-Mart building near the outdoor café. This sidewalk will be helpful in preventing pedestrians from cutting across the landscaped areas in their pursuit to take the shortest direct route to the storefront.
4. Please provide information to show how the glazing percentages were calculated for the elevations on NW 34<sup>th</sup> Street and NW 23<sup>rd</sup> Street.
5. Please add a statement to the Master Site Plan (Sheet C-4) ensuring that all mechanical equipment shall be placed on the roof, or at the rear or side of the building, and shall be visually screened from the street and adjacent properties.
6. Please add a note to the Master Site Plan acknowledging that the development layouts shown on the outparcels is for information only. The note should also state that future development of the outparcels will require additional development plan approval, and that their development shall be consistent with the applicable policies of the Comprehensive Plan and Land Development Code requirements that are in effect at the time of development plan submittal.
7. In order to create separate buildable parcels for the areas of the development shown as Outparcels 1, 2, and 3, the petitioner will need to propose a minor subdivision. Approval of the subdivision will be required prior to final development plan approval for the development on those parcels.

### Concurrency

1. This development is located in Zone B of the City's Transportation Concurrency Exception Area (State-mandated area). Prior to the issuance of a final development order, the development shall sign a TCEA State-mandated Zone B Letter of Agreement for provision of the required TCEA Zone B standards, based on average daily trip generation.
2. As part of the application for a Certificate of Preliminary Concurrency, trip generation and other information is required to evaluate the application for concurrency and

090906b

operational/safety roadway analysis concerns. A traffic study for a development of this scale and intensity is required. While the Code indicates that the traffic study does not have to be submitted until an application for final development plan review is made, it is highly recommended that the developer submit the traffic study early in the development review process because it has implications for the build-to line (if NW 34<sup>th</sup> Street is widened to 4 lanes for operational/safety requirements).

3. When it has been determined how this development will meet the TCEA Zone B requirements, please add a note to the site plan stating that information. The City is willing to count the following toward meeting some of the required TCEA standards, however, cost estimates must be provided concerning these items:
  - Park and Ride lot
  - Bus shelters and bus turn-out facilities
  - Payments for off-site sidewalk construction to continue the sidewalk from the NW 34<sup>th</sup> Street property line to the Pine Ridge neighborhood entrance off 34<sup>th</sup> Street.
4. Based on the calculations for Zone B, there may be additional payments or construction requirements for traffic mitigation. That will be finalized after the final traffic study has been provided.
5. Per the TCEA, stand alone drive-through uses are not allowed to claim a pass-by trip reduction. If the drive-through will be located on Outparcel 2, it will not be allowed to take the pass-by trip reduction.
6. Per the TCEA, if the fast food drive-through is located on Outparcel 2, it will be required to obtain a TCEA Special Use Permit for the use and meet all the requirements for a stand-alone drive-through facility.
7. Traffic study requirements: City staff and FDOT would like updated turning movement and other counts related to the traffic study to determine operational/safety needs. A signal warrant study is required.
8. Planning, Public Works, and FDOT met on 8/6/08 to discuss unresolved transportation issues on the previous WalMart proposal. We hope that all these issues will be dealt with in the revised traffic study for the new petition:
  - The traffic study did not take into account the future traffic signal at the project entrance off NW 34<sup>th</sup> Street to show the impact of the new signal on the future LOS and available capacity. Please provide an update to the traffic study that provides this information. Note: the petitioner's own traffic signal warrant study indicated that the signal was warranted at that location.
  - In the Concurrency comments dated 7/7/08, Concurrency staff requested an analysis of whether the segment of NW 34<sup>th</sup> Street from the project entrance point on 34<sup>th</sup> Street to US 441 has to be widened to a 4-lane segment to handle the proposed trips (based on operational and safety considerations). It is Concurrency staff's understanding that the petitioner has agreed to the 4-laning of NW 34<sup>th</sup> Street from the project entrance to US 441 for operational and safety reasons at our last traffic study meeting (based on the previous proposal). However, the current plans do not reflect this. Please update the plans accordingly.
  - FDOT indicated in our meeting that they disagree with the last paragraph on p. 20 of the last revised traffic study. The signal retiming is not acceptable.

090906b

- The LOS analysis, as indicated at the 6/23/08 meeting with the petitioner's agent, should be based on FDOT generalized tables.
- 9. Due to the TCEA, the Central Corridors overlay district build-to line is applicable. However, the build-to line would be based on the new configuration of NW 34<sup>th</sup> Street if the road has to be widened for operational/safety reasons (which City staff still assumes is the case).
- 10. The internal capture rate should be capped at 8% per the 2/24/10 meeting with the petitioner and traffic consultants.
- 11. Concurrency staff reserves the right to make further comments after receipt of the traffic study. Additional conditions may be placed on the development based on the traffic study results.

### Arborist

1. **Plant List** - Please replace the Tree Ligustrum for an Eagleton Holly tree.
2. **Sheet L-4** - Relocate the fire hydrant to the front of the light fixture so the shade tree requirement is met in the enclosed landscape island.
3. **Sheet L-5 Park & Ride Parking** - Please add four shade trees between the shrubs behind the different parking rows in these areas. Add an additional shade tree in the landscape median in the middle of the muhly grasses.
4. **Clearing and Grubbing** - Please note that clearing and grubbing is only permitted after a site has received development plan approval, or conditional plat approval with the appropriate permits, or a building permit is issued.
5. **Proposed Detention Areas Sheet L-5** - Twenty-five percent or more of the basin area including the shoulders shall be landscaped and shall include the equivalent of at least one shade tree for every 35 linear feet. Basins are required to be landscaped with trees, shrubs, ground covers and native perennials.
6. **Florida Exotic Pest Plant Council's 2009 List of Invasive Plant Species** - Washingtonia robusta is listed on the FEPC list under category II and must be replaced.
7. **Sheet L-6 Landscape Islands** - Fire hydrants are placed in landscape islands and too many parking spaces are proposed between landscape islands containing shade trees. Where utilities are located within such islands, the island shall be designed so that the required tree will still have the minimum of 140 square feet.
8. **Sheet C-5 or C-5 -A Grading Plan** - **add the following note:** "Removal of all construction debris, limerock, excess of builders sand, concrete and mortar debris, existing weeds and grasses, and all foreign materials in the planting bed and sod areas is the responsibility of the site work contractor. Soil in areas to be landscaped shall be uncompacted, suitable for root growth with appropriate amounts of organic matter, and of pH 5.5-6.5."

090906b

9. **Barricades/Barriers** - Barricades shall be placed at or outside the drip line for all Heritage tree and at minimum of 2/3 of the area of the drip line for all other regulated species. No grade changes shall be made within the protective barrier zone without prior approval of the city manager or designee. Where roots greater than one inch in diameter are damaged or exposed, they shall be cut cleanly and re-covered with soil.
10. **Lighting** - Ensure the parking lot light fixtures will not be in conflict with the required landscaping.

### Public Works Engineering

1. F.D.O.T. approval will be required for all proposed work within state right-of-way.
2. A stormwater management report will be required at final approval meeting all the requirements of Sec. 30-270 of the City of Gainesville Land Development Code.
3. An approved set of roadway construction drawings for the proposed NW 23<sup>rd</sup> Street will be required prior to final sign-off of the site plan.
4. Low impact development (L.I.D.) strategies for stormwater management must be incorporated into the final design.

### Transportation Planning

1. A previous proposal for this site required the following modifications to the transportation network: the 4-laning (urban cross-section with sidewalks) of NW 34<sup>th</sup> St between US 441 and NW 23<sup>rd</sup> St and associated intersection modifications; an additional westbound turn-lane at the intersection of NW 34<sup>th</sup> St at US 441; and a traffic signal at the intersection of NW 34<sup>th</sup> St at NW 23<sup>rd</sup> St (a traffic signal warrant study was required and demonstrated the need for the installation of the signal). These modifications to the transportation network were required to address operational and safety concerns associated with the project traffic. City staff coordinated extensively with the applicant and the Florida Department of Transportation to address these issues at that time.
2. The trip generation study included with the revised/current development plans indicates that the proposed development will have a *higher* trip generation than the previous proposal. However, while the current plans acknowledge the need for the traffic signal installation at the intersection of NW 34<sup>th</sup> St at NW 23<sup>rd</sup> St, no other roadway improvements along NW 34<sup>th</sup> St or US 441 are identified. Based on the higher trip generation and the stable traffic volumes in the area, it is expected that the previous requirements will be applicable. A revised traffic study is required for the project.

### Environmental Coordinator

1. This plan proposes removing a low-quality, 349-square-foot wetland and the applicant shall provide reasonable assurance that this development meets the criteria in Section 30-302.1(d) and (e), Gainesville land development code.

090906b

2. If this proposed wetland impact is approved, before final approval of this project the applicant shall submit a mitigation plan that complies with 30-302.1(f) through (k).
3. Financial assurance in the amount of 120% of the estimated cost of each phase of the mitigation will be provided to the city in accordance with 30-302.1(l). The mitigation area will be permanently protected, preferably by a conservation easement, in accordance with 30-302.1(j).
4. The ditch along the western property boundary is a human-created surface water. Therefore, activities within and along this ditch, such as the construction of a bridge over it, are exempt from the buffer and mitigation requirements of the land development code (Section 30-304(a)(8)). However, any work in this ditch must avoid degradation of natural surface waters and wetlands downstream.

### RTS

1. **Bus Bay Length** - Bus bays should accommodate two buses simultaneously. Minimum bus bay length of 80 feet with 100 feet preferred. Tapers not to be included in bay length.
2. **Shelter Lighting** - Lighting in bus shelter areas should be in the illuminance range of 4 to 5 foot candles. Solar powered lighting is preferable. Shopping cart corrals near shelter and/or crosswalk is strongly recommended.
3. **Bus Shelter Crosswalk** - Suggests the applicant consider raising the crosswalk (similar to a speed hump or table) to create a safer crossing point and discourage automobile speeding. Strongly recommend that lighting be concentrated on the bus stop crosswalk area so motorist can see crossing pedestrians.
4. **Landscaping** - Keep ground cover below 2' around shelter especially on the approach side of shelter. Canopy trees near shelter are acceptable, but understory trees should be setback behind or away from the shelter.

### Fire

1. The actual fire flow was not provided. To obtain, submit a completed Utility Data Request Form to GRU by E-mail: [worleyjw@gru.com](mailto:worleyjw@gru.com) or Fax (352)334-2572.
2. Please indicate the approximate location of the features of fire protection, including:
  - Fire department connection: Fire department connections shall be on the street side of buildings and shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections. (NFPA 13, 2002 ed., Ch. 8.16.2.4.6)
  - Sprinkler Room

### Utilities

1. Please contact Jill White (352-393-1459 or e-mail [WhiteJL@GRU.com](mailto:WhiteJL@GRU.com)) and schedule a Project Meeting with GRU to discuss utilities. This meeting and the utility plan review are

090906b

required to coordinate the utility space allocations before final development plan approval.

2. Add the following note to the plans: *"There is no manufacture, storage, use, or sale of hazardous materials at the site or development as defined and regulated in the Alachua County Hazardous Materials Management Code, other than hazardous materials excluded from the provisions of the Hazardous Materials Management Code, as may be amended from time to time."*

#### HAZMAT

1. The facility will be a regulated Hazmat facility. Please delineate hazardous materials/hazardous waste storage area(s). Please provide a copy of the waste management plan.
2. Please indicate provisions to manage the stormwater runoff from the proposed garden center and outside storage areas.

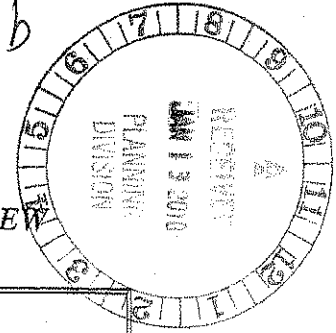
#### Attachments:

- Attachment 1 – Application, legal description, property owner authorization**
- Attachment 2 – Neighborhood Workshop information**
- Attachment 3 – Petitioner responses to Environmental Review**
- Attachment 4 – Affected person registration forms**
- Attachment 5 – Development Plans**





090906b



**APPLICATION FOR DEVELOPMENT PLAN REVIEW  
PLANNING & DEVELOPMENT SERVICES**

<b>OFFICE USE ONLY</b>	
Petition No. <u>DB-10-6</u>	Fee: \$ <u>2940.00</u>
1 <sup>st</sup> Step Mtg Date: _____	EZ Fee: \$ _____
Tax Map No. _____	Receipt No. _____
Account No. 001-670-6710-3401 <input checked="" type="checkbox"/>	
Account No. 001-670-6710-1124 (Enterprise Zone) <input type="checkbox"/>	
Account No. 001-670-6710-1125 (Enterprise Zone Credit) <input type="checkbox"/>	

**TYPE AND LEVEL OF REVIEW**

MINOR	MINOR II	INTERMEDIATE	MAJOR
<input type="checkbox"/> Preliminary	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Concept	<input type="checkbox"/> Concept
<input type="checkbox"/> Final	<input type="checkbox"/> Final	<input type="checkbox"/> Preliminary	<input checked="" type="checkbox"/> Preliminary
		<input type="checkbox"/> Final	<input type="checkbox"/> Final

Project description: Development of new Walmart Supercenter, along with associated parking, stormwater and infrastructure improvements.

<b>Owner(s) of Record (please print)</b>	
Name: Please see attached	
Address:	
Phone:	Fax:
(If additional owners, please include on back)	
Property address: NW 34th St./NW 23rd St.	
Existing use: Vacant	
Existing land use designation: MUM	
Tax parcel no(s): See attached	

<b>Applicant(s)/Agent(s), if different</b>	
Name: Wal-Mart Stores East, LP	
Address: attn: J. Chris Callaway, Regional VP	
2001 S.E. 10th Street	
Bentonville, Arkansas 72716	
Phone: 479-23-4000	Fax: 479-273-4107
Project name: Walmart SUP (Store #538)	
Proposed use: Commercial Retail	
Existing zoning: MU2	
Gross site area: 35.05 Acres	

Certified Cashier's Receipt:

JAN 13 2010



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CHECK ALL PROPOSED USES

<input type="checkbox"/> Residential	Density	<input checked="" type="checkbox"/> Non-residential	
Multi-family	Units/acre:	<input type="checkbox"/> Office	<input checked="" type="checkbox"/> Commercial
Total units:	Total bedrooms:	<input type="checkbox"/> Industrial	<input type="checkbox"/> Other
		Gross floor area: Approximately 160,000	

I certify that I am the owner of the property and authorize the agent listed above to initiate this development plan petition for consideration by the Board.

Signature of owner: \_\_\_\_\_ Date: \_\_\_\_\_

I certify that all of the information contained in this application form is accurate and up-to-date, and that the requirements to submit for development plan review have been met.

Signature of Applicant: See Attached Signature Page Date: \_\_\_\_\_

STATE OF FLORIDA, COUNTY OF \_\_\_\_\_

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

Signature -- Notary Public: \_\_\_\_\_

Personally Known \_\_\_\_\_ OR Produced Identification \_\_\_\_\_

01/21/04

090906b

[ATTACHED TO APPLICATION FOR DEVELOPMENT PLAN REVIEW]

WAL-MART STORES EAST, LP, a Delaware limited partnership

By: WSE Management, LLC, a Delaware limited liability company and General Partner

By: J. Chris Callaway JCV  
J. Chris Callaway, Regional Vice President, Design & Real Estate

STATE OF ARKANSAS  
COUNTY OF BENTON

The foregoing instrument was acknowledged before me this 29 day of April, 2008, by J. Chris Callaway, the Regional Vice President of Design & Real Estate of and on behalf of WSE Management, LLC, a Delaware limited liability company, the General Partner of and on behalf of Wal-Mart Stores East, LP, a Delaware limited partnership. He/she  is personally known to me or  produced an Arkansas driver's license as identification or  produced \_\_\_\_\_ as identification.

TOSHIA BREWER  
NOTARY PUBLIC  
BENTON COUNTY, ARKANSAS  
MY COMMISSION EXPIRES 8/15/2017  
COMMISSION NUMBER 12361911

Name: Toshia Brewer  
Notary Public, State of Arkansas  
Commission Number: 12361911  
My Commission Expires: 8/15/2017

[NOTARY SEAL]

090906b

**LEGAL DESCRIPTIONS**

090906b

**PARCEL A**  
**LEGAL DESCRIPTION PARCEL 2006-3189; (PINKOSON):**

Commence at the Southwest corner of Section 13, Township 9 South, Range 19 East, thence run North 0°05'08" East, along the West line of said Section 13, for 150.00 feet; thence South 89°46'27" East, along a line parallel with the South line of said Section 13, for 2771.02 feet to the Northwestern right-of-way line of NW 34th Street Extension (100 ft. R/W); thence North 63°05'15" East, along said right-of-way line for 2155.94 feet to a Point of Curvature; thence Northeasterly along a curve, concave Northwesterly having a radius of 1863.37 feet (record 1859.86 feet), a central angle of 14°42'19" and an arc distance of 478.25 feet to a Point hereinafter called Point "A"; thence North 44°28'55" West for 160.39 feet; thence South 50°12'10" West for 100.00 feet; thence North 37°19'58" West for 68.79 feet; thence North 25°44'41" West for 195.66 feet to the POINT OF BEGINNING; thence continue North 25°44'41" West for 10.97 feet; thence North 37°43'06" West for 1231.72 feet; thence North 0°05'13" East for 410.18 feet; thence South 89°46'27" East for 620.01 feet to a Point of Curvature; thence Easterly along a curve, concave Southerly, having a radius of 570.00 feet, a central angle of 12°08'49" and an arc distance of 120.84 feet to a Point of Tangency; thence South 77°37'38" East for 195.70 feet to a Point of Curvature; thence Southeasterly along a curve concave Southwesterly, having a radius of 25.00 feet, a central angle of 90°00'00" and an arc distance of 39.27 feet to a Point of Tangency; thence South 12°22'22" West for 586.96 feet to a Point of Curvature; thence Southerly along a curve, concave Easterly, having a radius of 300.00 feet, a central angle of 72°42'05" and an arc distance of 380.66 feet to a Point of Tangency; thence South 60°19'43" East for 102.18 feet; thence South 39°56'57" West for 467.16 feet to the POINT OF BEGINNING, tying and being in Alachua County, Florida.

AND

A portion of Section 13, Township 9 South, Range 19 East, Alachua County, Florida: being more particularly described as follows:

Commence at the Southwest corner of Section 13, Township 9 South, Range 19 East and run thence North 00°04'53" East, along the West line of said Section 13 a distance of 150.00 feet; thence South 89°46'42" East, parallel to the South line of said Section 13 a distance of 2755.60 feet to the Northwestern right-of-way line of NW 34th Street Extension (100' R/W); thence North 63°16'30" East, along said Northwestern right-of-way line 2170.73 feet to the beginning of a curve concave Northwesterly and having a radius of 1863.37 feet (record 1859.86 feet); thence Northeasterly along the arc of said curve and along said Northwestern right-of-way line through a central angle of 14°42'19", an arc distance of 478.25 feet to a found rebar and cap and the Point of Beginning; said arc being subtended by a chord having a bearing and distance of North 55°55'21" East, 476.93 feet; thence continue Northeasterly along the arc of said curve and along said Northwestern right-of-way line through a central angle of 04°37'13", an arc distance of 150.26 feet; said arc being subtended by a chord having a bearing and distance of North 46°13'05" East, 150.22 feet; thence North 54°16'02" West, 439.45 feet to a found rebar and cap; thence South 40°01'14" West, 107.21 feet to a found rebar and cap; thence South 25°45'57" East, 195.53 feet to a found concrete monument; thence South 37°17'57" East, 68.78 feet to a found concrete monument; thence North 49°46'08" East, 100.48 feet to a found rebar and cap; thence South 45°19'58" East, 160.11 feet to a found rebar and cap and the Point of Beginning.

090906 b

**PARCEL B (TURKEY CREEK)  
PARCEL 1 TAX ID # 06014-032-000:**

That part in Section 13-9-20 Minor Subdivision Book 1 page 34 Described as: Commence Southwest Corner Section 13 North 150 Feet East 2771 feet to North right-of-way Northwest 34th Street Northeast along right-of-way 2634.19 feet to curve Northeasterly along curve 658.51 feet to Point of Beginning North 60° West 530.42 feet to curve Northerly along curve 60 feet North 40° East 350.19 feet South 77° East 180.34 feet South 20° West 200 feet South 73° East 300 feet to Southwest 34th Street Southwesterly along right-of-way 280.16 feet to Point of Beginning known as part of Parcel C or 1488/779.

**PARCEL 2 TAX ID # 06014-032-001:**

That part in Section 18-9-20 Minor Subdivision Book 1 page 34 Described as: Commence Southwest Corner Section 13 North 150 Feet East 2771 feet to North right-of-way Northwest 34th Street Northeast along right-of-way 2634.19 feet to curve Northeasterly along curve 658.51 feet to Point of Beginning North 60° West 530.42 feet to curve Northerly along curve 60 feet North 40° East 350.19 feet South 77° East 180.34 feet South 20° West 200 feet South 73° East 300 feet to Southwest 34th Street Southwesterly along right-of-way 280.16 feet to Point of Beginning known as part of Parcel C.

**PARCEL 2 TAX ID # 06014-032-001:**

Parcel known as A-2 in Section 13-9-19.

Also known as (as created by the surveyor):

A portion of Section 13, Township 9 South, Range 19 East and Section 18, Township 9 South, Range 20 East, Alachua county, Florida, being more particularly described as follows:

Commence at the southwest corner of Section 13, Township 9 South, Range 19 East and run thence North 00°05'08" East, along the west line of said Section 13, a distance of 150.00 feet; thence South 89°46'27" East, parallel to the south line of said Section 13, a distance of 2771.02 feet to the northwesterly right-of-way line of NW 34th street extension (100' R/W), thence North 63°05'15" East, along said northwesterly right-of-way line 2155.94 feet to the beginning of a curve concave northwesterly and having a radius of 1863.37 feet (record 1859.86 feet), thence northeasterly along the arc of said curve being subtended by a chord having a bearing and distance of North 53°27'34" East, 625.58 feet and along said northwesterly right-of-way line through a central angle of 19°19'32", an arc distance of 628.51 feet to the easterly most corner of "Parcel A-1" of a Minor Subdivision in Section 13, Township 9 South, Range 19 East and Section 18, Township 9 South, Range 20 East, Alachua County, Florida, as recorded in Minor Subdivision Book 1, Page 77, Public Records of Alachua County, Florida and the Point of Beginning, thence continue northeasterly along the arc of said curve and along said northwesterly right-of-way line through a central angle of 04°48'38" an arc distance of 156.45 feet, to the southeasterly corner of "Parcel B" of a Minor Subdivision in Section 13, Township 9 South, Range 19 East and Section 18, Township 9 South, Range 20 East, Alachua county, Florida, as recorded in Minor Subdivision Book 1, Page 34, Public Records of Alachua County, Florida, said arc being subtended by a chord having a bearing and distance of North 41°21'50" East, 156.58 feet; thence leaving said northwesterly right of way line run along the southerly line of aforesaid "Parcel B" North 51°02'55" West, 10.00 feet to a point of intersection; thence continue along said southerly line North 61°13'56" West, 441.10 feet (North 61°20'39" West, per Minor Subdivision Book 1, Page 77) to the westerly most corner of aforesaid "Parcel B", said point also lying on the easterly line of "Parcel A-2" of aforementioned Minor Subdivision Book 1, Page 77; thence along said easterly line South 39°56'57" West, 100.17 feet (South 40°03'39" West, 100.17 feet per Minor Subdivision Book 1 Page 77) to the northerly most corner of "Parcel A-1" of aforementioned Minor Subdivision Book 1, Page 77; thence along the most northeasterly line of said "Parcel A-1" South

090906b

53°52'18" East, 439.81 feet (South 54°16'02" East, 439.45 feet per Minor Subdivision Book 1  
Page 77) to the point of beginning.

090906 b

**PARCEL C**  
**LEGAL DESCRIPTION PARCEL 2006-3338; (CHANDLER);**

A portion of Section 13, Township 9, South, Range 19 East, Alachua County, Florida; being more particularly described as follows:

Commence at the Southwest corner of said Section 13, Township 9 South, Range 19 East and run thence North 00°04'53" East, along the West line of said Section 13 a distance of 150.00 feet; Thence South 89°46'42" East, along a line parallel to the South line of said Section 13 a distance of 2755.60 feet to the Northwestern right-of-way line of Northwest 34th Street Extension (100' R/W); Thence North 63°16'30" East, along said right-of-way line 2170.73 feet to the beginning of a curve concave Northwesterly and having a radius of 1863.37 feet (record 1859.86 feet); Thence Northeasterly along the arc of said curve and along said right-of-way line through a central angle of 34°52'14", an arc distance of 1134.06 feet to a concrete monument found at the intersection of the Northeasterly right-of-way line of Northwest 58th Avenue (100 R/W) with said Northwestern right-of-way line, said arc being subtended by a chord having a bearing and distance of North 45°39'35" East, 1118.92 feet; Thence North 60°20'48" West, along said Northeasterly right-of-way line (Northwest 58th Ave) 531.54 feet to the beginning of a curve concave Northeasterly and having a radius of 200.00 feet; Thence Northwesterly along the arc of said curve through a central angle of 17°11'19", an arc distance of 60.00 feet to the Point of Beginning; said arc being subtended by a chord having a bearing and distance of North 51°45'08" West, 59.78 feet; Thence continue Northwesterly and Northeasterly along the arc of said curve and along said Northeasterly right-of-way line through a central angle of 55°30'46", an arc distance of 193.78 feet to a concrete monument found at the end of said curve, said arc being subtended by a chord having a bearing and distance of North 15°24'06" West, 186.29 feet; Thence North 12°18'33" East, along the Easterly right of way line of Northwest 23rd Street (100 R/W) a distance of 81.67 feet to a found rebar and cap; Thence North 88°05'29" East, 257.69 feet to a concrete monument found at the Southwest corner of that certain parcel described in Official Records Book 726 page 215 of the Public Records of Alachua County, Florida; Thence South 40°04'45" West, 350.22 feet to the Point of Beginning.



090906 b

**PARCEL D**  
**LEGAL DESCRIPTION PARCEL 2006-3340; (PINNACLE):**

A parcel of land being a portion of PARCEL "C" as shown on the map recorded in Minor Subdivision Book No. 1, at page 34, of the Public Records of Alachua County, Florida, more particularly described as follows:

Commence at Point "B" as shown on said map, thence South 46°34'33" East for 190.12 feet; thence North 33°48'07" East for 235.78 feet; thence Southeasterly along a curve and the Southwesterly Right-of-Way line of U.S. 441, concave Northeasterly, having a radius of 5,846.58 feet, a central angle of 01°42'18" and an arc distance of 173.98 feet; thence South 12°22'22" West for 404.04 feet; thence North 77°37'03" West for 167.02 feet to the Point of Beginning; thence South 12°22'22" West for 466.95 feet; thence South 88°07'46" West for 257.93 feet; thence North 12°22'22" East for 530.40 feet; thence South 77°37'03" East for 250.12 feet to the Point of Beginning; all lying and being in Alachua County, Florida.

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**PARCEL E**  
**LEGAL DESCRIPTION PARCEL 2006-5024; (SUNTRUST):**

Being a portion of Section 13, Township 9 South, Range 19 East and a portion of Section 18, Township 9 South, Range 20 East, Alachua County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 13, thence North 0°05'08" East, along the West line of said section 13, for 150.00 feet; thence South 89°46'27" East, along a line parallel with the South line of said Section 13, for 2771.02 feet to the Northwestern right-of-way line of State Road 23 (N.W. 34th Street Extension) (100 ft. R/W); thence North 63°05'15" East, along said right-of-way line for 2155.94 feet to a Point of Curvature; thence Northeasterly along a curve, concave Northwesterly, having a radius of 1863.37 feet (record 1859.86 feet), a central angle of 24°08'10" and an arc distance of 784.96 feet; thence North 51°02'55" West radial to the last described curve for 10.00 feet to the POINT OF BEGINNING; thence North 61°13'56" West for 441.10 feet; thence North 39°56'57" East for 260.00 feet to a point on the Southwesterly line of a 100 foot ingress, egress, and utility easement; thence South 60°19'43" East along said ingress, egress and utility easement, for 376.67 feet to a Point of Curvature; thence Southerly along a curve, concave Westerly, having a radius of 40.00 feet, a central angle of 92°50'41", and an arc distance of 64.62 feet to a Point of Compound Curvature; thence Southwesterly along a curve, concave Northwesterly, having a radius of 1853.37 feet, a central angle of 6°26'06" and an arc distance of 208.16 feet to the POINT OF BEGINNING, LYING AND BEING IN Alachua County, Florida.

AND

Being a portion of Section 18, Township 9 South, Range 20 East, Alachua County, Florida, more particularly described as follows:

Commence at the Southwest corner of Section 13, Township 9 South, Range 19 East; thence North 0°05'08" East, along the West line of said Section 13, for 150.00 feet; thence South 89°46'27" East, along a line parallel with the South line of said Section 13, for 2771.02 feet to the Northwestern right-of-way line of State Road 23 (N.W. 34th Street Extension) (100 ft. R/W); thence North 63°05'15" East, along said right-of-way line for 2155.94 feet to a Point of Curvature; thence Northeasterly along a curve, concave Northwesterly, having a radius of 1863.37 feet (record 1859.86 feet), a central angle of 24°08'10" and an arc distance of 784.96 feet to the POINT OF BEGINNING; thence North 51°02'55" West, radial to the last described curve for 10.00 feet; thence Northeasterly along a curve, having a radius of 1853.37 feet, a central angle of 6°26'06" and an arc distance of 208.16 feet to a Point of Compound Curvature; thence Northerly along a curve, concave Westerly, having a radius of 40.00 feet, a central angle of 92°50'41" and an arc distance of 64.62 feet to a Point of Tangency and a point on the Southwesterly line of a 100 foot ingress, egress and utility easement; thence South 60°19'43" East, along said easement, for 51.56 feet to a point on the next described line; thence Southwesterly along the aforementioned Northwestern right-of-way line of State Road 23, being a curve, concave Northwesterly, having a radius of 1863.37 feet, a central angle of 7°44'32" and an arc distance of 251.80 feet to the POINT OF BEGINNING, lying and being in Alachua County, Florida.

The aforesaid lands being also described as:

Parcel B of a Minor Subdivision in Section 13, Township 9 South, Range 19 East, and Section 18, Township 9 South, Range 20 East, Alachua County, Florida, as recorded in Minor Plat Book 1 page 34, Public Records of Alachua County, Florida, more specifically described as follows, to wit:

PARCEL B:

090906 b

Being a portion of Section 13, Township 9 South, Range 19 East and a portion of Section 18, Township 9 South, Range 20 East, Alachua County, Florida, more particularly described as follows:

Commence at the Southwest corner of said Section 13; thence North  $0^{\circ}05'08''$  East, along the West line of said Section 13, for 150.00 feet; thence South  $89^{\circ}46'27''$  East, along a line parallel with the South line of said Section 13, for 2771.02 feet to the Northwestern right-of-way line of N.W. 34th Street Extension (100 ft. R/W); thence North  $63^{\circ}05'15''$  East, along said right-of-way line for 2155.74 feet to a Point of Curvature; thence Northeasterly along a curve, concave Northwesternly, having a radius of 1863.37 feet (record 1859.86 feet), a central angle of  $14^{\circ}42'19''$  and an arc distance of 478.28 feet to a point hereinafter called Point "A".

Commence at the aforementioned Point "A"; thence Northeasterly along a curve, concave Northwesternly having a radius of 1863.37 feet (record 1897.86 feet), a central angle of  $9^{\circ}25'51''$  and an arc distance of 306.71 feet, said curve also being the Northwestern right-of-way line of N.W. 34th Street Extension (100 ft. R/W) to the POINT OF BEGINNING; thence North  $51^{\circ}02'55''$  West, radial to the last described curve, for 10.00 feet; thence North  $61^{\circ}13'56''$  West for 441.10 feet; thence North  $39^{\circ}56'57''$  East for 260.00 feet to a point on the Southwesterly line of a 100 foot Ingress, Egress and Utility Easement as recorded in Official Records Book 1449 at page 680, of the Public Records of Alachua County, Florida; thence South  $60^{\circ}19'43''$  East, along said Southwesterly line, for 426.20 feet to a point on the next described line; thence Southwesterly along the aforementioned Northwestern right-of-way line of N.W. 34th Street Extension, being a curve, concave Northwesternly, having a radius of 1869.37 feet (record 1859.86 feet), a central angle of  $7^{\circ}44'32''$  and an arc distance of 251.80 feet to the POINT OF BEGINNING, lying and being in Alachua County, Florida.

090906

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**AGENT AUTHORIZATIONS**

090906b

\_\_\_\_\_, 2008

TO: City of Gainesville  
RE: Agent Authorization  
Parcel ID Nos. 06014-031-000; 06014-031-003  
Wal-Mart Store No. 538-05, Gainesville (NW)

The undersigned, owners of the above-referenced properties (collectively, the "Property"), hereby designate and empower Wal-Mart Stores East, L.P., a Delaware limited partnership, and its engineering firm, CPH Engineers, Inc., a Florida corporation, to apply for and to file such applications, papers, documents, requests and all other matters necessary to obtain all of the necessary City of Gainesville permit(s) and approval(s) for development of the above-referenced Property.

Signed, sealed and delivered in the presence of:

Charles Pinkoson  
CHARLES PINKOSON


Rainer N. Pinkoson  
RAINER N. PINKOSON

C. Lee Pinkoson  
C. LEE PINKOSON

STATE OF FLORIDA  
COUNTY OF Alachua

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of May, 2008, by Charles Pinkoson. He (*choose one*):

- is personally known to me OR
- produced Florida driver's licenses as identification OR
- produced \_\_\_\_\_ as identification.

 **BARRIE E. HAMILTON**  
MY COMMISSION # DD 748697  
EXPIRES: March 21, 2012  
Bonded Thru Budget Notary Services

Barrie E. Hamilton  
Notary Public, State of Florida  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

[NOTARIAL SEAL]

090906b

STATE OF FLORIDA  
COUNTY OF Alachua

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of May, 2008, by Rainer N. Pinkoson. He (choose one):

- is personally known to me OR
- produced Florida driver's licenses as identification OR
- produced \_\_\_\_\_ as identification.



BARRIE E. HAMILTON  
MY COMMISSION # DD 748697  
EXPIRES: March 21, 2012  
Bonded Thru Budget Notary Services

Barrie E. Hamilton  
Notary Public, State of Florida

Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

[NOTARIAL SEAL]

STATE OF FLORIDA  
COUNTY OF Alachua

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of May, 2008, by C. Lee Pinkoson. He (choose one):

- is personally known to me OR
- produced Florida driver's licenses as identification OR
- produced \_\_\_\_\_ as identification.



BARRIE E. HAMILTON  
MY COMMISSION # DD 748697  
EXPIRES: March 21, 2012  
Bonded Thru Budget Notary Services

Barrie E. Hamilton  
Notary Public, State of Florida

Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

[NOTARIAL SEAL]

0909066

MAY 5, 2008

TO: City of Gainesville  
RE: Agent Authorization  
Parcel ID Nos. 06014-032-000; 06014-032-001; 06014-031-004  
Wal-Mart Store No. 538-05, Gainesville (NW)

The undersigned, owner of the above-referenced properties (collectively, the "Property"), hereby designates and empowers Wal-Mart Stores East, L.P., a Delaware limited partnership, and its engineering firm, CPH Engineers, Inc., a Florida corporation, to apply for and to file such applications, papers, documents, requests and all other matters necessary to obtain all of the necessary City of Gainesville permit(s) and approval(s) for development of the above-referenced Property.

Signed, sealed and delivered  
in the presence of:

TURKEY CREEK, INC., a Florida corporation

By: N. Forest Hope  
N. Forest Hope, President

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 5th day of May, 2008, by N. Forest Hope, the President of Turkey Creek, Inc., a Florida corporation, on behalf of the corporation. He/she (choose one):

- is personally known to me OR
- produced Florida driver's licenses as identification OR
- produced \_\_\_\_\_ as identification.



ROBBIE L. STEVENS  
MY COMMISSION # DD 377067  
EXPIRES: December 5, 2008  
Bonded Thru Budget Notary Services

Robbie L Stevens  
Notary Public, State of Florida  
Print Name: Robbie L Stevens  
My Commission Expires: 12/5/08  
Commission No.: DD 377067

[NOTARIAL SEAL]

090906 b

5/2, 2008

TO: City of Gainesville  
RE: Agent Authorization  
Parcel ID Nos. 06014-032-005  
Wal-Mart Store No. 538-05, Gainesville (NW)

The undersigned, owner of the above-referenced property (the "Property"), hereby designates and empowers Wal-Mart Stores East, L.P., a Delaware limited partnership, and its engineering firm, CPH Engineers, Inc., a Florida corporation, to apply for and to file such applications, papers, documents, requests and all other matters necessary to obtain all of the necessary City of Gainesville permit(s) and approval(s) for development of the above-referenced Property.

Signed, sealed and delivered in the presence of:

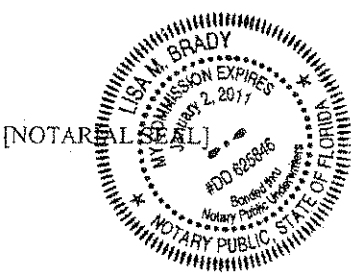
Eloise R. Chandler  
ELOISE CHANDLER

STATE OF FLORIDA  
COUNTY OF Duval

The foregoing instrument was acknowledged before me this 2nd day of May, 2008, by Eloise Chandler, She (choose one):

- is personally known to me OR
- produced Florida driver's licenses as identification OR
- produced \_\_\_\_\_ as identification.

Lisa M. Brady  
Notary Public, State of Florida  
Print Name: Lisa M. Brady  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_





0909066

May 5<sup>th</sup>, 2008

TO: City of Gainesville  
RE: Agent Authorization  
Parcel ID Nos. 06014-032-006  
Wal-Mart Store No. 538-05, Gainesville (NW)

The undersigned, owner of the above-referenced property (the "Property"), hereby designates and empowers Wal-Mart Stores East, L.P., a Delaware limited partnership, and its engineering firm, CPH Engineers, Inc., a Florida corporation, to apply for and to file such applications, papers, documents, requests and all other matters necessary to obtain all of the necessary City of Gainesville permit(s) and approval(s) for development of the above-referenced Property.

Signed, sealed and delivered  
in the presence of:

PINNACLE PROPERTIES, LLC., a Florida limited liability company

By: [Signature]  
Steven A. Bagen, Manager

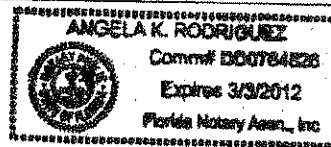
STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 5<sup>th</sup> day of May, 2008, by Steven A. Bagen, the Manager of Pinnacle Properties, LLC., a Florida limited liability company, on behalf of the company. He/she (choose one):

- is personally known to me OR
- produced Florida driver's licenses as identification OR
- produced \_\_\_\_\_ as identification.

[Signature]  
Notary Public, State of Florida  
Print Name: ANGELA K. RODRIGUEZ  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

[NOTARIAL SEAL]



090906b

May 6, 2008

TO: City of Gainesville  
RE: Agent Authorization  
Parcel ID Nos. 06014-031-001; 06014-031-002  
Wal-Mart Store No. 538-05, Gainesville (NW)

The undersigned, owner of the above-referenced properties (collectively, the "Property"), hereby designates and empowers Wal-Mart Stores East, L.P., a Delaware limited partnership, and its engineering firm, CPH Engineers, Inc., a Florida corporation, to apply for and to file such applications, papers, documents, requests and all other matters necessary to obtain all of the necessary City of Gainesville permit(s) and approval(s) for development of the above-referenced Property.

Signed, sealed and delivered in the presence of:

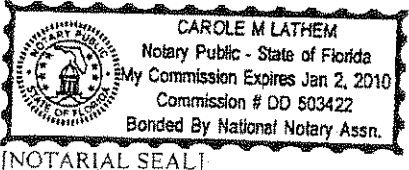
SUNTRUST BANK f/k/a SUNTRUST BANK OF GAINESVILLE, N.A., a Georgia banking corporation

By: Thomas Crociata  
Print: THOMAS CROCIATA  
Title: FIRST VICE PRESIDENT

STATE OF Florida  
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 6<sup>th</sup> day of May, 2008, by Thomas Crociata the First V.P. of Suntrust Bank f/k/a Suntrust Bank of Gainesville, N.A., a Georgia banking corporation, on behalf of the corporation. He/she (choose one):

- is personally known to me OR
- produced Florida driver's licenses as identification OR
- produced \_\_\_\_\_ as identification.



Carole M Lathem  
Notary Public, State of Florida  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_  
Commission No.: \_\_\_\_\_

090906b

MAY 5, 2008

TO: City of Gainesville  
RE: Agent Authorization  
Parcel ID No. 06014-033-000  
Wal-Mart Store No. 538-05, Gainesville (NW)

The undersigned, owner of the above-referenced property (the "Property"), hereby designates and empowers Wal-Mart Stores East, L.P., a Delaware limited partnership, and its engineering firm, CPH Engineers, Inc., a Florida corporation, to apply for and to file such applications, papers, documents, requests and all other matters necessary to obtain all of the necessary City of Gainesville permit(s) and approval(s) for development of the above-referenced Property.

Signed, sealed and delivered in the presence of:

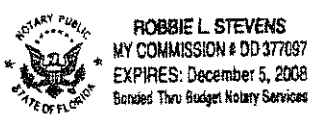
Northwood Center Owners Association, Inc., a Florida non-profit corporation

By: N Forest Hope  
N. Forest Hope  
Title: SECRETARY

STATE OF FLORIDA  
COUNTY OF ALACHUA

The foregoing instrument was acknowledged before me this 5th day of May, 2008, by N. Forest Hope, the Secretary of Northwood Center Owners Association, Inc., a Florida non-profit corporation, on behalf of the corporation. He/she (choose one):

- is personally known to me OR
- produced Florida driver's licenses as identification OR
- produced \_\_\_\_\_ as identification.



Robbie L Stevens  
Notary Public, State of Florida  
Print Name: Robbie L. Stevens  
My Commission Expires: 12/5/08  
Commission No.: DD 377097

[NOTARIAL SEAL]

090906b

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**NEIGHBORHOOD WORKSHOP**

## **PUBLIC NOTICE**

A neighborhood workshop will be held to discuss the proposed development of a new Walmart Supercenter located at the 5800 block of NW 34th Street. This is not a public hearing. The purpose of the meeting is to inform neighboring property owners of the nature of the proposal and to seek their comments.

The meeting will be held Monday, December 7th, 2009, at 6:00 PM at Trinity United Methodist Church, 4000 NW 53rd Ave, Gainesville, FL 32653.

Contact person: Larry Wray, CPH Engineers, Inc.,  
407-322-6841

090906b

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**Neighborhood Workshop**

For a proposed Walmart located on approximately 35.8 acres ± south of NW 62<sup>nd</sup> Ave at the intersection of NW 58<sup>th</sup> Avenue and NW 34<sup>th</sup> Street.

Date: Monday, December 7<sup>th</sup>, 2009  
Time: 6:00 PM  
Place: Trinity United Methodist Church  
4000 NW 53rd Ave  
Gainesville, FL 32653  
Contact: Larry Wray, P.E., CPH Engineers, Inc., 407-322-6841

A workshop will be held to discuss a proposed Walmart and associated parking area. The proposed development includes the re-alignment of NW 23<sup>rd</sup> Street/NW 58<sup>th</sup> Avenue. The purpose of the workshop is to inform neighboring property owners about the nature of the proposal and to seek comments. We look forward to seeing you there.

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Please see the attached Sign-In Sheet for a list of citizens in attendance.

Residents attending the neighborhood workshop shared the following information:

- Support was expressed for the convenience of the proposed store and access to better shopping and pricing options.
- Support was expressed regarding the new building orientation and how it relates to the City LDC.
- Support was expressed regarding the prospect of economic revitalization for the overall area in general.
- Support was expressed regarding the potential crime reduction and/or prevention due to increased development/attention in the area.

The applicant discussed the following information at various stations:

- Information was discussed regarding the proposed site access points
- Information was discussed regarding the proposed off-site roadway improvements including NW 34th Street and US 441 connection points.
- Information was discussed regarding the general building location and operation
- The project review process and schedule was discussed



090906b

FULL NAME	E-MAIL	MAILING ADDRESS	CITY STATE
Ron Carpenter	rcarpenter@raclaw.net	5005 NW 43rd Street	Gainesville FL 32653
John J Butler	johnjbutler1@gmail.com	4609 NW 33rd Terrace Gainesville FL 32605	Gainesville FL 32605
Richard Tillett	RICHARD@ALLIGATORMORTGAGE.COM	2637-B AL 41st St 32600	Gainesville FL 32600

090906 b

Donna Hope 18 Turkey Creek Alachua 32615  
Pat Hope 19 Turkey Creek Alachua, 32615  
MIKE KYALS 5601 NW 88 ST Gville 32653  
Susana Williams 3210 NW 46 PL Gville 32655-  
1160

## RESPONSES TO ENVIRONMENTAL REVIEW (02/25/10)

The wetlands on site for discussion purposes have been designated in reports and project development plans as Wetlands 1 & 2. Wetland 1 totals 399 sq ft while Wetland 2 totals 349 sq ft. As a result of the project, Wetland 1 and Wetland 2 will be removed. Mitigation options for the impacted area will be addressed prior to final development approval. The creation of the site stormwater ponds (5.0 acres on this site) provides for substantially more habitat than exists on this site in the pre-project condition. The previous mitigation plan for this project involved enhancement of the storm pond littoral zone. This is done in excess of the design features of the pond required by Suwannee River Water Management District. The wetlands on site are extremely low quality and the mitigation and post-project condition results in greater long-term, more viable wetland and surface water habitat. Therefore, avoidance and minimization are not required as described in Section 30-302.1(d). Responses to Section 30-302.1 (e)(1) through (e)(7)(i) and (f)(1) are offered:

**(e) Conditions for the issuance of a development permit for property upon which wetlands are located.** The city manager or designee or appropriate reviewing board shall review all permit applications based on the conditions set forth below. No development of property containing wetlands shall be permitted unless the owner provides reasonable assurance that the activity:

- (1) Will not adversely impact the value of wetland functions provided to fish and wildlife and listed species;**

The wetlands on site are in poor, degraded condition. Wetland 1 is a created area that, in effect, is exempt from provisions of 30-301 as provided in Section 30-304(a)(8), Exemptions. Wetland 1 is a small wet spot that is located adjacent to the ABC parking lot and receives stormwater and precipitation as the major hydrologic input. The dominant species include bahiagrass (*Paspalum notatum* Fluegge.), Bermudagrass (*Cynodon dactylon* [L.] Pers.), Virginia buttonweed (*Diodia virginiana* L.), blackberry (*Rubus* sp.), woolgrass bulrush (*Scirpus cyperinus* [L.] Kunth), wax myrtle (*Myrica cerifera* L.), and bushy bluestem (*Andropogon glomeratus* [Walt.] BSP). Wetland 2 is a "wet spot" that is created by excavation in an historic wetland area. The species present include Virginia chain fern (*Woodwardia virginica* [L.] Smith), swamp red-bay (*Persea palustris* [Raf.] Sarg.), poison ivy (*Toxicodendron radicans* [L.] Kuntze), wax myrtle (*Myrica cerifera* L.), and water oak (*Quercus nigra* L.). Both wetland areas are located in a severely drained project site in which the groundwater table in the area only supports the "wet spots" for minimal periods during periods of high, continuous rainfall. The ABC parking lot has more standing surface water area than these wetland areas following rain events. The wetland areas provide no habitat for aquatic dependent wildlife species and provide no habitat for listed species. Therefore, the project will not adversely affect wetland functions because simply there are none.

**(2) Will not cause adverse secondary or cumulative impacts to water and wetland resources;**

The project site presently has large ditches that route untreated stormwater from the project site and upstream areas to offsite areas where extensive residential areas contribute untreated stormwater runoff to Possum Creek. The post-project area will capture all stormwater on site, treat this water in accordance with water management district standards, then discharge to an approximate 1 mile ditch that drains through the Northridge neighborhood. Both untreated residential runoff and street side runoff are directed to these ditches downstream of the project site. Hence, the discharge from the project site will be of higher water quality standards than the water quality entering the ditches from the residential areas downstream of the project site. These ditches are man-made surface waters that are plagued with garbage, trash, and fertilizer additions. It is unlikely that the project site discharge could adversely affect the water quality or habitat quality of this downstream system. There are no wetlands adjacent to the project site; therefore, secondary impacts to wetlands systems will not occur. The project site will result in creation of a 5.0-acre (total) stormwater basin excavated to depths that will generally ensure continued inundation. This area, despite receiving stormwater, will result in a substantial increase in the amount and quality of aquatic habitat on site. The basin will provide substantial habitat for aquatic dependent reptiles, amphibians, mammals, and water birds. Foraging habitat for listed waterfowl species will also result.

**(3) Will be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed;**

The project site and stormwater facilities are designed in accordance with accepted engineering principles and will be evaluated and approved by the Staff of the City of Gainesville, Suwannee River Water Management District, and U.S. Army Corps of Engineers.

**(4) Will be conducted by an entity with the sufficient financial, legal and administrative capability to ensure that the activity will be undertaken in accordance with the terms and conditions of the permit, if issued;**

Wal-Mart Stores East, LP has sufficient financial history to ensure financial responsibility of the project buildout.

**(5) Will comply with criteria for buffer zones set forth herein;**

Section 30-302 does not describe mitigation for wetland buffers that are to be removed. Wetland 2 & 1 and their buffer are planned for removal.

**(6) Is consistent with the owner's stormwater management permit, if required; and**

The project will be consistent with the project stormwater permit.

**(7) Is clearly in the public interest based on a balancing of the following criteria:**

- a. Whether the development activity requires location in, on, or over wetlands or surface waters in order to fulfill its basic function;**

The efficient buildout of the project necessitates removal of Wetland 1 and Wetland 2. The post-project site will contain substantially more aquatic habitat than the pre-project site.

- b. The effect of the development activity on the public health, safety, or welfare or the property of others;**

The project will have no adverse effects on the public health, safety and welfare of property of others. The project provides a public service and buildout will increase the property value of adjacent property owners.

- c. The effect of the development activity on fish, wildlife and native plant communities;**

There are no native, intact plant communities remaining on the project site. The plant community on the project site consists of drained wetlands, pine plantations, filled ruderal habitats, and other disturbed habitat types. No fish habitat currently exists and wildlife is restricted to generalist wildlife species to include opossum, armadillo, raccoons, dogs, and feral cats. There are no fish or aquatic habitat on site.

- d. The effect of the development activity on recreation, open space and aesthetic values;**

The development will provide open space areas of 13.15 acres. There are currently no recreation areas on the project site. The area is private property and not open to public use. The site is presently being used for dumping and other illicit activities.

- e. The effect of the development activity on significant historical and archaeological resources;**

The development will have no effect on historical or archeological resources.

- f. Whether the development activity will be of a temporary or permanent nature;**

The development will be permanent.

**g. The current condition and relative value of wetland functions being performed by areas affected by the proposed activity;**

There are no viable wetland areas that will be affected by the project site. The remnant wet areas on site are non-functional. The aquatic and wetland habitat on site will be greater in the post-project condition as compared to the pre-project condition.

**h. The type, extent, and geographic location of any mitigation proposed;**

1. On-site mitigation is proposed;
2. Stormwater pond littoral zone creation is one option proposed (final mitigation plan to be finalized prior to final development approval)
3. The extent of mitigation proposed will be in accordance with UMAM assessment.

**i. The extent to which the development furthers the goals of the comprehensive plan, and the proximity of the development to existing infrastructure.**

The proposed development is consistent with the Land Use and Zoning of the subject property. The development is proposed adjacent to existing infrastructure with adequate capacity.

Affected Person Registration Form

If you will be represented by legal counsel please have your attorney complete this form.

090906b

Property Owner Information:

Name:(please print) John C. Davis

Address: 9903 Traverse Way, Fort Washington, MD 20744

Daytime Phone Number: 301 749 0039 301 504 5314

As an affected person receiving notice of the public hearing on Petition DB-10-6 SPL, I hereby  request/  do not request, to be registered as an affected person for the quasi-judicial hearing.

Signature: John C. Davis

Please indicate whether you are for or against this petition: FOR  or AGAINST  (mark "X")

Please indicate whether you are requesting a formal quasi-judicial hearing (mark "X"):  
Yes (formal hearing)  No (informal hearing)

This form must be returned no less than seven (7) days prior to the meeting when the petition is scheduled to be heard if you are requesting a formal quasi-judicial hearing.

Attorney Information:

Name:(please print) \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_



090906 b



**Affected Person Registration Form**

If you will be represented by legal counsel please have your attorney complete this form.

**Property Owner Information:**

Name:(please print) JOHN E. HUCKSON

Address: 2352 N.W. 54 Blvd.

Daytime Phone Number: (352) 577-0623

As an affected person receiving notice of the public hearing on Petition DB-10-6 SPL, I hereby  request/  do not request, to be registered as an affected person for the quasi-judicial hearing.

Signature: [Handwritten Signature]

Please indicate whether you are for or against this petition: FOR  or AGAINST  (mark "X")

Please indicate whether you are requesting a formal quasi-judicial hearing (mark "X"):  
Yes (formal hearing)  No (informal hearing)

This form must be returned no less than seven (7) days prior to the meeting when the petition is scheduled to be heard if you are requesting a formal quasi-judicial hearing.

**Attorney Information:**

Name:(please print) E. Owen McCuller, Jr.

Address: 225 Water St., Ste. 1800, JAX, FL 32202

Signature: [Handwritten Signature]



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