



# MEMORANDUM

Office of the City Attorney

LEGISLATIVE ITEM NO. 070706

Phone: 334-5011/Fax 334-2229  
Box 46

**TO:** Mayor and City Commission

**DATE:** March 24, 2008

**FROM:** City Attorney

**CITY ATTORNEY  
FIRST READING**

**SUBJECT:** Ordinance No. 0-07-120, Petition No. 69PDV-07PB  
An Ordinance of the City of Gainesville, Florida; rezoning certain lands in the City, as more specifically described in this Ordinance, from "BUS: general business district" to "Planned Development", commonly known as "Gainesville Auto Town Center", located in the vicinity of the 3900 block of N. Main Street, west side; adopting a development plan report and development plan maps; providing conditions and restrictions; providing for enforcement and penalties; providing a severability clause; providing a repealing clause; and providing an immediate effective date.

---

Recommendation: The City Commission adopt the proposed ordinance.

## STAFF REPORT

This petition is a request to change the zoning on the subject property from BUS (General Business District) to Planned Development for an automotive sales center and related accessory uses. The subject property is comprised of five tax parcels listed as 08159-002-000, 08159-002-001, 08159-002-002, 08159-002-006 and 08159-002-010, totaling 18.4 acres. The property is located at the northwest corner of North Main Street and Northwest 39<sup>th</sup> Avenue, having 229 feet of frontage on Northwest 39<sup>th</sup> Avenue and 1,238 feet along North Main Street. The south east corner of the subject property is developed with an office building, the round bar, a bank and other retail uses. The remaining northwest portion is undeveloped and contains four well defined wetlands areas. A north/south ditch runs along the west boundary of the subject property and traverses the southern portion.

The applicant wishes to develop the property with three, new and used car sales establishment, combined with a community/learning center and an alternative fuels, fueling station. The principal use is classified under SIC (Standard Industrial Classification) MG-55 Automotive dealers and gasoline service stations, which is not allowed in the BUS zoning district. In order to implement the proposed use, the property would have to be rezoned to BA or Planned Development. The applicant decided to request a rezoning to Planned Development in order to address intended unique aspects of the site, the operations of the proposed development and the adjacent residential development to the west.

The property is also located in the Secondary Zone of the city's Wellfield Protection Zone and may require a Wellfield Protection Special Use Permit due to the proposed underground storage of hazardous materials

Three issues of primary importance with this petition are avoidance and mitigation of impacts to the site's wetlands, staff's concerns regarding relocation/reorientation of buildings to the northwest corner of 39th Avenue and north Main Street and general neighborhood compatibility concerns.

The Plan Board heard the request and expressed concerns about the removal of wetland areas from the site, and the location of building on the site. Staff and some Plan Board members felt that the applicant did not do enough to avoid or minimize the development's impact on the northern wetland area. The Plan Board kept as part of their condition of approval that buildings should be removed from the wetlands and relocated to realize the least possible negative impacts to both the environmental aspects and the residential development to the west and north. At the Plan Board meeting the applicant offered to provide funding in the amount of \$100,000 for the enhancement of +/- 49.0 acres at the Prairie Creek Basin property, including hydrologic restoration, re-establishing a historic connection, instituting a fire management regime, and vegetative restoration by removing planted pines and replanting with long-leaf pines and native ground-cover species. The Plan Board voted 4-0 to recommend approval of the petition with modified conditions to the City Commission.


On December 10, 2007, the city commission conducted a public hearing and voted to authorize the City Attorney's office to draft an ordinance for its consideration. Staff collaborated with the applicant to arrive at a mutual understanding and agreement on conditions included in the attached ordinance for First Reading. Some of the conditions presented to you at the public hearing have been modified to provide clarification of intent and to reflect what the city commission intended.

Public notice was published in the Gainesville Sun on August 1, 2007. Letters were mailed to surrounding property owners on October 3<sup>rd</sup> 2007. The Plan Board held a public hearing October 18, 2007 and continued the hearing to October 25, 2007.

#### CITY ATTORNEY MEMORANDUM

The City Commission, at its meeting of December 10, 2007 authorized the city attorney's office to prepare and advertise the necessary ordinance rezoning certain lands within the city to planned development commonly known as "Gainesville Auto Town Center" within the City of Gainesville.

Prepared and Submitted by:

  
Marion J. Radson, City Attorney

MJR: afm

Attachment

ORDINANCE NO. \_\_\_\_\_  
0-07-120

1  
2  
3  
4       **An Ordinance of the City of Gainesville, Florida; rezoning**  
5       **certain lands in the City, as more specifically described in this**  
6       **Ordinance, from "BUS: general business district" to "Planned**  
7       **Development", commonly known as "Gainesville Auto Town**  
8       **Center", located in the vicinity of the 3900 block of N. Main**  
9       **Street, west side; adopting a development plan report and**  
10       **development plan maps; providing conditions and restrictions;**  
11       **providing for enforcement and penalties; providing a**  
12       **severability clause; providing a repealing clause; and providing**  
13       **an immediate effective date.**

14  
15  
16       **WHEREAS**, by initiation of a petition by the property owners, publication of notice of a  
17 public hearing was given that the Zoning Map Atlas be amended by rezoning certain properties  
18 from the zoning category of "BUS: general business district" to the zoning category of "Planned  
19 Development District"; and

20       **WHEREAS**, notice was given and publication made as required by law of a Public Hearing  
21 which was then held by the City Plan Board on October 25, 2007; and

22       **WHEREAS**, notice was given and publication made of a Public Hearing which was then  
23 held by the City Commission on December 10, 2007; and

24       **WHEREAS**, the City Commission finds that the amendment of the Planned Development  
25 District ordinance is consistent with the City of Gainesville 2000-2010 Comprehensive Plan.

26       **WHEREAS**, the City Commission finds that the development allowed by this Planned  
27 Development Ordinance will unavoidably adversely impact at least 4.04 acres of wetland; and

**D R A F T**

3/12/2008

1           **WHEREAS**, the City Commission finds that the unavoidable impacts to wetlands allowed  
2 by this Planned Development District Ordinance can be offset by off-site mitigation, subject to the  
3 petitioner (owner/developer) demonstrating compliance with the requirements and conditions of the  
4 City's Land Development Code, and any other regulatory jurisdictions, as more specifically set  
5 forth in this Ordinance; and

6           **WHEREAS**, at least ten (10) days notice has been given once by publication in a  
7 newspaper of general circulation prior to the adoption public hearing notifying the public of this  
8 proposed ordinance and of a Public Hearing in the City Commission Meeting Room, First Floor,  
9 City Hall, in the City of Gainesville; and

10           **WHEREAS**, pursuant to law, notice has also been given by mail to the owner whose  
11 property will be regulated by the adoption of this Ordinance, at least ten days prior to the  
12 adoption of this ordinance; and

13           **WHEREAS**, Public Hearings were held pursuant to the published and mailed notices  
14 described at which hearings the parties in interest and all others had an opportunity to be and were,  
15 in fact, heard.

16           **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
17 **CITY OF GAINESVILLE, FLORIDA:**

18           **Section 1.** The City Commission adopts the foregoing findings and incorporates  
19 them into this Ordinance.

1           **Section 2.** The Zoning Map Atlas of the City of Gainesville is amended by  
2 rezoning the following described property from the zoning category of "BUS: General  
3 business district" to the zoning category of "Planned Development District";

4                   See Exhibit "A" attached hereto and made a part hereof as  
5                   if set forth in full.  
6

7           **Section 3.** The City Manager or designee is authorized and directed to make the  
8 necessary change in the Zoning Map Atlas to comply with this Ordinance.

9           **Section 4.** The Development Plan attached to this Ordinance, which consists of  
10 the following:

- 11           1.       the development plan report entitled "Gainesville Auto Town Center  
12                   Planned Development Report", revised January 2008, attached and  
13                   identified as Exhibit "B".
- 14           2.       development plan maps consisting of 7 sheets: 1) "Cover Sheet", dated January  
15                   2008; 2) "Existing Conditions Plan" dated January 2008; 3) "Existing Vegetation  
16                   Plan" dated January 2008; 4) "Existing Tree Survey", dated January 2008; 5) "PD  
17                   Layout Plan Map", dated January 2008; 6) "General Architectural Theme", dated  
18                   January 2008; and 7) "General Architectural Theme", dated January 2008;  
19                   attached hereto as Composite Exhibit "C" are incorporated and made a part of this  
20                   Ordinance as if set forth in full.

21           The terms, conditions, and limitations of the Development Plan shall regulate the use and  
22           development of the land described herein zoned to the category of Planned Development District

D R A F T

3/12/2008

1 as provided in Chapter 30, Land Development Code of the City of Gainesville (hereinafter  
2 referred to as "Land Development Code"). In the event of conflict between the provisions of the  
3 development plan report (Exhibit "B") and the development plan maps (Exhibit "C"), the  
4 provisions, regulations, and restrictions of the development plan maps (Exhibit "C") shall govern  
5 and prevail.

6 **Section 5.** Any provision of this Ordinance to the contrary notwithstanding, the following  
7 additional conditions, restrictions and regulations shall apply and govern the development and use  
8 of the property:

9 Condition 1.

10 The alternative fuels dispensing area and associated facilities shall be designed with a separate  
11 access and circulation pattern which is clearly separated and does not conflict with the areas  
12 designated for automobile storage and service areas. The final location, configuration and design  
13 shall be determined by the City Plan Board during development plan review. The use,  
14 construction and operation of a future fuel station as shown on Sheet No. 5 of 7 of Exhibit "C",  
15 with a maximum of three (3) gasoline pump islands to include a maximum of six stations for the  
16 dispensing of alternative fuels, located adjacent to the learning center, is expressly conditioned  
17 upon the owner/developer filing an application and successfully obtaining a Wellfield Protection  
18 Special Use Permit. The applicant shall meet the Concurrency Management Element  
19 requirements in effect at the time of application. Additionally, the owner/developer shall apply  
20 for and obtain all required state and local approvals for the operation of the fuel station. The fuel  
21 station shall be clearly identified with a circulation and access pattern that separates general  
22 public access from automobile storage and other internal circulation. This Condition does not  
23 prohibit vehicular access to the alternative fuel station from the primary southern entrance drive  
24 on Main Street.

25

26 Condition 2.

27 The planned development shall comply with the concurrency requirements of the Comprehensive  
28 Plan and shall demonstrate compliance during development plan review. An Application for a  
29 Certificate of Final concurrency shall be filed by the owner/developer at the time of development  
30 plan review.

31

32 Condition 3.

D R A F T

3/12/2008

1 The development plan shows certain development activities in the wetlands, as conceptually  
2 shown on Sheet 5 of Exhibit "C". This plan would require mitigation for the unavoidable loss of  
3 a minimum of 4.04 acres of wetlands. Prior to the issuance of any development permit for this  
4 planned development, the owner/developer shall, at the time of development plan review,  
5 demonstrate compliance with the conditions for the issuance of a development permit as required  
6 by Section 30-302.1 of the Land Development Code, subject to approval by the City Plan Board.

7 The mitigation plan for development activities in wetlands as described in the "Gainesville Auto  
8 Town Center Approved Mitigation", attached as a compact disc and labeled Exhibit "E", is  
9 hereby referenced as an example of the type of mitigation that would be required.

10  
11 Condition 4.

12 All buildings shall have pedestrian access from 39<sup>th</sup> Avenue and North Main Street. The  
13 dimensions and specifications for said pedestrian access shall be in accordance with the  
14 requirements of the Land Development Code, subject to approval by the City Plan Board during  
15 development plan review.

16  
17 Condition 5.

18 Permitted uses within the planned development shall be as set forth in Exhibit "D" attached  
19 hereto and made a part hereof as if set forth in full. Machine and body work is not permitted,  
20 except in a completely enclosed building that shall remain closed at all times of operation.

21  
22 Condition 6.

23 All buildings within the planned development shall have a design and architectural pattern that is  
24 compatible with each other and similar to the elevations as shown on Sheets 6 and 7 of Exhibit  
25 "C". Color tones shall be consistent with the City Advisory Color Guidelines and reflect the  
26 general color tones in the vicinity. The amount of glazing and percentage of materials shall meet  
27 the standard as shown on Sheets 6 and 7. Architectural relief shall be provided along both the  
28 east and south sides of the building placed nearest to the intersection of North Main Street and  
29 Northwest 39<sup>th</sup> Avenue. All of the foregoing matters shall be subject to approval by the city plan  
30 board during development plan review.

31  
32 Condition 7.

33 External buffers for the planned development are as generally shown on Sheet 5 of Exhibit "C",  
34 and shall meet the following minimum standards:

- 35
- 36 i. A 25 foot wide buffer with a 6 foot (6'), 100% opaque vinyl fence shall be constructed  
37 along the north boundary of the subject property to provide screening and buffering for  
38 the residential developments.
  - 39  
40 ii. A 75 foot wide buffer, including the ditch, shall be created along the west boundary of the  
41 subject property between the development activities of the planned development and the

D R A F T

3/12/2008

1 residential area to the west. The City Plan Board may allow a variation of up to 10 feet in  
2 the buffer width north of the "Stormwater Management Facilities".

- 3
- 4 iii. The City Plan Board, during development plan review, shall determine the type and exact  
5 location of fencing provided for security purposes along the west boundary of the  
6 property.
- 7
- 8 iv. The stormwater basin shall be designed so as to serve a dual purpose as a passive  
9 recreation and stormwater facility. These functions shall be maintained in perpetuity.

10

11 Condition 8.

12 The owner/developer shall landscape and maintain in perpetuity the drainage easement and  
13 stormwater management facilities as shown on Sheet 5 of Exhibit "C", without compromising  
14 maintenance needs and drainage function as determined by Public Works. The amount and type  
15 of landscape materials shall be determined by the city plan board during development plan  
16 review. The final alignment and design of the ditch shall be subject to approval by the City's  
17 Public Works Department during development plan review based on calculations submitted  
18 justifying the proposed ditch diversion and alignment. Necessary easements that serve this  
19 development related to the ditch and its diverted portion shall be required and conveyed to the  
20 City, at no additional cost or expense to the City, during development plan review. Access points  
21 and adequate access widths shall be provided by the owner/developer to facilitate maintenance of  
22 the ditch by Public Works, subject to approval by the city plan board during development plan  
23 review.

24

25 Condition 9.

26 There shall be no outdoor public address / loud speaker system used by any operator or use  
27 within this planned development.

28

29 Condition 10.

30 All lighting shall be in accordance with the City's Land Development Code, specifically  
31 addressing intensity, glare, spillage, and safety needs, subject to approval of the city plan board  
32 during development plan review.

33

34 Condition 11.

35 There shall be no elevated display of any motor vehicle, equipment or materials sold above the  
36 height of the street buffer hedge, which is generally at least four feet in height.

37

38 Condition 12.

39 The owner/developer shall construct and maintain noise attenuation devices/buffers, subject to  
40 approval of the city plan board during development plan review, to reduce operational noise  
41 emanating from the planned development onto adjacent properties. In the event the noise



D R A F T

3/12/2008

1 attenuation devices are not sufficient or adequate, in the sole opinion of the City, to reduce  
2 plainly audible noise levels emanating from the subject property to adjoining properties,  
3 particularly residential properties, then the city may require additional structural and operational  
4 modifications. The City's decision shall be based upon the recommendations of an independent  
5 noise consultant retained by the owner/developer and acceptable to the City. All fees and costs  
6 shall be borne by the owner/developer.

7  
8 Condition 13.

9 Wall mounted and free-standing signs are permitted in accordance with the Land Development  
10 Regulations, subject to approval of the city plan board during development plan review. No  
11 electronic or animated signage is allowed.

12  
13 Condition 14.

14 With respect to the north boundary of the planned development, except as otherwise indicated,  
15 landscaping in accordance with the buffer matrix for single-family/commercial shall at a  
16 minimum be provided within the area between the proposed development and existing driveway  
17 and the fence. (See Section 30-253. of the Land Development Code relating to landscape buffer  
18 requirements for buffer strip areas.)

19  
20 Condition 15.

21 Landscaping materials shall meet code requirements as to quality, and shall, at a minimum, be  
22 30-65 gallon trees as required by the city arborist.

23  
24 Condition 16.

25 Any provision of this planned development to the contrary notwithstanding, the maximum  
26 allowable square footage for all buildings and structures on the subject property is 150,000  
27 square feet.

28  
29 Condition 17.

30 Any provision of this planned development to the contrary notwithstanding, the planned  
31 development shall maintain a minimum of 20% open space within the planned development.

32  
33 Condition 18.

34 Design, placement and configuration of the limited access driveways/connectivity points shall be  
35 subject to approval by the city plan board during development plan review upon recommendation  
36 of the city departments having jurisdiction.

37 Condition 19.

38 During development plan review, the owner/developer shall be required to conduct a traffic  
39 engineering study by a licensed traffic engineer, and make the necessary improvements to the  
40 traffic and roadway system commensurate with the potential impacts of the development on the

D R A F T

3/12/2008

1 roadway system and related traffic signalization system. The required improvements are subject  
2 to approval of the city plan board during development plan review.

3  
4 Condition 20.

5 Off-street parking is subject to the requirements of the City's Land Development Code. No  
6 parking of motor vehicles is allowed within the public right-of-way, including trucks loading and  
7 unloading. The owner/developer shall place signage directing all loading and unloading to  
8 designated areas. The location and other details of those directional signs shall be subject to  
9 approval of the city plan board during development plan review.

10  
11 Conditions 21.

12 In order to serve this development, sidewalks shall be provided by the owner/developer along  
13 Northeast 2<sup>nd</sup> Way fronting the subject property; the sidewalk shall extend to Northeast 39<sup>th</sup>  
14 Avenue.

15  
16 Conditions 22.

17 In areas immediately adjoining the planned development where existing sidewalks are  
18 deficient or deteriorated, the owner/developer shall provide sidewalks at its own cost and  
19 expense, that meet city standards, subject to approval of the city plan board during  
20 development plan review.

21  
22 Condition 23.

23 The planned development may be constructed and completed in two phases as shown on Sheet 5  
24 of Exhibit "C". Prior to issuance of a certificate of occupancy for a particular phase, all  
25 infrastructure and accessory facilities related to finalization of that particular phase shall be  
26 completed and approved by the City's Development Services Department. Development plan  
27 review for Phase I shall be filed by the owner/developer no later than six months after approval  
28 of this ordinance adopting the PD. Construction must commence no later than eighteen (18)  
29 months after adoption of this PD Ordinance. Once construction commences, the development  
30 must maintain an active building permit in accordance with the requirements of the Building  
31 Code. Failure to comply with those requirements shall render this development order null and  
32 void.

33  
34 Condition 24.

35 Development plan review for Phase II shall be filed no later than three years after approval of the  
36 ordinance adopting the PD. Construction must commence no later than eighteen (18) months  
37 after the approval of the Final Development Order for Phase II. Once construction commences,  
38 the development must maintain an active building permit in accordance with the requirements of  
39 the Building Code. If an active building permit is maintained, the development may diligently  
40 proceed towards completion of the planned development. Failure to comply with those  
41 requirements shall render this development order null and void.

1  
2 Condition 25.  
3 Any required bonding will be addressed during development plan review and shall be determined  
4 by the city plan board during development plan review.  
5

6 Condition 26.  
7 The southerly-most dealership building (Mercedes Benz Dealership) and alternative fuels  
8 learning center building, as shown on Sheet 5 of Exhibit "C", shall be constructed in accordance  
9 with "LEED" energy efficiency standards adopted as of the date of this Ordinance.  
10

11 Condition 27.  
12 A maximum of two (2) vehicular access roadways shall be allowed on Main Street, as shown on  
13 Sheet 5 of Exhibit "C".

14 Condition 28.  
15 This planned development is located in Zone B of the Transportation Concurrency Exception  
16 Area. The Development shall meet Concurrency Management Element Policy 1.1.4, 1.1.5, and  
17 1.1.6 standards. The transportation related improvements that are required due to site related  
18 impacts are supplemental, and in addition to, the Concurrency Management Element TCEA  
19 Policy standards. The owner/developer shall execute a TCEA Zone B Agreement for the  
20 provision of the required Concurrency Management Element Policy 1.1.6 standards (at a  
21 minimum for Phase I) prior to second and final reading of this Ordinance. Prior to issuance of a  
22 final development order for Phase II, the owner/developer shall sign a TCEA Zone B Agreement  
23 for provision of the required standards for Phase II.

24 Condition 29.  
25 The Planned Development is valid for a period of five (5) years from the date of final adoption of  
26 this Ordinance. The City Commission may grant an additional one year extension if a request for  
27 good cause is filed in writing with the Clerk of the Commission at least one month prior to the 5-  
28 year expiration date. The City Commission shall be the sole arbiter of good cause and its decision  
29 shall be final. The development order approval by this Planned Development Zoning Ordinance  
30 expires and shall be deemed null and void after the 5-year period unless an extension is granted by  
31 the City Commission. In the event a building permit is issued but the development or portion of the  
32 development fails to proceed to completion with due diligence and in good faith resulting in the  
33 expiration of a building permit or other development order, then this development order shall expire  
34 and be deemed null and void after the expiration of 5 years from the date of final adoption of this  
35 Ordinance. If any time period expires with no extension being requested or granted and the  
36 development order is void, then the City will designate other appropriate zoning consistent with the  
37 Comprehensive Plan.  
38

39 Condition 30.

D R A F T

3/12/2008

1 This Ordinance does not eliminate the necessity of the owner/developer from applying for and  
2 obtaining any required federal, state, local and special district authorizations prior to the start of  
3 any development activity approved by this Ordinance. This Ordinance does not convey to the  
4 owner/developer or create in the owner/developer any property right, or any interest in real  
5 property, nor does it authorize any entrance upon or activities on property which is not owned or  
6 controlled by the owner/developer, or convey any rights or privileges.

7  
8 Condition 31.

9 Except as expressly provided herein, the use, regulations and development of the subject property  
10 shall be governed as if this land were zoned BA (automotive-oriented business district).

11  
12 **Section 6.** If it is determined by the City Manager that a violation of this Ordinance exists,  
13 the City Manager may issue and deliver an order to cease and desist from such violation to correct a  
14 violation, to preclude occupancy of the affected building or area, or to vacate the premises. The  
15 City Manager, through the City Attorney, may seek an injunction in a court of competent  
16 jurisdiction and seek any other remedy available at law.

17 **Section 7.** Any person who violates any of the provisions of this ordinance shall be deemed  
18 guilty of a municipal ordinance violation, and shall be subject to fine or imprisonment as provided  
19 by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or continues,  
20 regardless of whether such violation is ultimately abated or corrected, shall constitute a separate  
21 offense.

22 **Section 8.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
23 or the application hereof to any person or circumstance is held invalid or unconstitutional, such  
24 finding shall not affect the other provisions or applications of the ordinance which can be given  
25 effect without the invalid or unconstitutional provisions or application, and to this end the  
26 provisions of this ordinance are declared severable.

D R A F T

3/12/2008

1           **Section 9.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
2 such conflict hereby repealed.

3           **Section 10.** This ordinance shall become effective immediately upon final adoption.

4           **PASSED AND ADOPTED** this            day of            , 2008.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

\_\_\_\_\_  
Pegeen Hanrahan, Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Kurt Lannon,  
Clerk of the Commission

\_\_\_\_\_  
Marion J. Radson, City Attorney

          This ordinance passed on first reading this    day of            , 2008.

          This ordinance passed on second reading this    day of            , 2008.

H:\Marion Radson\Planning\69PDV-07PB pet.DOC

# EXHIBIT "A"

2A

## Legal Description

### Parcel 1-A:

A tract of land situated in Section 21, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows:

Commence at the Southwest corner of the aforementioned Section 21 for a point of reference and run North 00 degrees, 00 minutes, 54 seconds East along the West line of said Section, a distance of 40.00 feet to the North right-of-way line of Northeast 39th Avenue; thence run South 89 degrees, 28 minutes, 26 seconds East, along said North right-of-way line, a distance of 465.46 feet to an iron pipe; thence run South 89 degrees, 50 minutes, 38 seconds East along said North right-of-way line, a distance of 46.48 feet to an iron pipe; thence run North 00 degrees, 03 minutes, 22 seconds East, a distance of 230.00 feet to a concrete monument; thence run South 89 degrees, 50 minutes, 38 seconds East, a distance of 425.13 feet to an iron pipe located on the West right-of-way line of North Main Street Extension (a 100 foot right-of-way); thence run North 00 degrees, 03 minutes, 26 seconds West along said West right-of-way line, a distance of 746.87 feet to the point of beginning.

thence continue North 00 degrees, 03 minutes, 38 seconds West along said West right-of-way, a distance of 210.00 feet, to an iron pipe; thence run North 89 degrees, 28 minutes, 26 seconds West, a distance of 50.00 feet parallel with said West right-of-way line, a distance of 50.00 feet to an iron pipe located on the Southern boundary line of PINE FOREST ESTATES, UNIT NO. TWO, a subdivision, as per plat recorded in Plat Book "K", Page 70, of the Public Records of Alachua County, Florida; thence run North 89 degrees, 28 minutes, 26 seconds West along said Southern line, a distance of 250.01 feet; thence run South 00 degrees, 03 minutes, 38 seconds East, parallel with the aforementioned West right-of-way line of North Main Street Extension, a distance of 260.00 feet; thence run South 89 degrees, 28 minutes, 26 seconds East, a distance of 300.01 feet to the West right-of-way line of North Main Street Extension and the point of beginning.

### PARCEL 2:

A tract of land situated in Section 21, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows: Commence at the Southwest corner of the aforementioned Section 21 for a point of reference and run North 00°00'54" East along the West line of said Section 21, a distance of 40.00 feet to the North right of way line of Northeast 39th Avenue; thence run South 89°28'26" East, along said North right of way line, a distance of 465.56 feet to an iron pipe; thence run South 89°50'38" East along said North right of way line, a distance of 46.48 feet to an iron pipe; thence run North 00°09'22" East a distance of 230.00 feet to a concrete monument; thence run South 89°50'38" East, a distance of 129.13 feet to the Point of Beginning; thence continue South 89°50'38" East, a distance of 300.00 feet to an iron pipe located on the West right of way line of North Main Street Extension (a 100 foot right of way); thence run North 00°03'38" West, along said West right of way, a distance of 569.81 feet to the P.C. of a curve concave to the Northeast, said curve having a radius of 1,859.72 feet; thence run Northwesterly along said curve and West right of way line, through a central angle of 02°37'19", an arc distance of 177.08 feet, and a chord bearing and distance of North 01°16'24" East, 177.07 feet to a concrete monument; thence run North 89°28'26" West, a distance of 394.14 feet to a concrete monument; thence run South 00°03'38" East, a distance of 748.81 feet to the Point of Beginning.

### Parcel 3-A:

A parcel of land situated in Section 21, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows: Commence at the Southwest corner of Section 21, Township 9 South, Range 20 East, and run North 00°00'54" East, along the West line of said Section 21, 40.00 feet to the North right of way line of N.W. 39th Avenue; thence run South 89°28'26" East, along said right of way line 465.47 feet; thence continue South 89°50'38" East, along said right of way line 346.48 feet to the Point of Beginning; thence continue South 89°50'38" East, along said right of way line 130.00 feet; thence run North 00°03'38" West 230.00 feet; thence run North 89°50'38" West, 130.00 feet; thence run South 00°03'38" East, 230.00 feet to the Point of Beginning. Less and Except that portion conveyed to Alachua County in Official Records Book 1484, page 243, and portion conveyed to State of Florida Department of Transportation recorded in Official Records Book 1586, page 572, of the public records of Alachua County, Florida.

### Parcel 1-B:

A tract of land situated in Sections 20 and 21, Township 9 South, Range 20 East, Alachua County, Florida, being more particularly described as follows: Commence at the Southwest corner of the aforementioned Section 21 for a point of reference and run North 00°00'54" East along the West line of said Section, a distance of 40.00 feet to the North right of way line of Northeast 39th Avenue; thence run South 89°28'26" East along said North right of way line, a distance of 10.03 feet to an iron pipe, said pipe being located on the East right of way line of Northeast Second Way (a 60 foot right of way); thence run North 00°23'34" East along said East right of way line, a distance of 65.95 feet to an iron pipe at the P.C. of a curve concave Westward, said curve having a radius of 1586.95 feet; thence run Northwesterly along said East right of way line with said curve through a central angle of 5°58'38" (chord bearing and distance of North 2°26'41" West, 164.56 feet respectively) an arc distance of 164.63 feet, to the Point of Beginning; thence run South 89°28'26" East, a distance of 508.95 feet to a concrete monument; thence run South 89°50'38" East, a distance of 129.13 feet; thence run North 00°03'38" West, a distance of 1008.81 feet to the Southern boundary line of Pine Forest Estates, Unit No. Two, a subdivision as per plat recorded in Plat Book "K", page 70, of the public records of Alachua County, Florida; thence run North 89°28'26" West along said Southern line, a distance of 102.65 feet to a steel rod; thence run South 44°02'31" West along said Southern line, a distance of 138.12 feet to a concrete monument; thence run North 89°28'26" West along said Southern line, a distance of 130.27 feet to a concrete monument; thence run South 00°23'34" West, along said Southern line, a distance of 400.00 feet to an iron pipe; thence run South 89°50'38" West, along said Southern line, a distance of 151.68 feet to an iron pipe; thence run South 72°34'21" West, along said Southern line, a distance of 270.00 feet to a concrete monument located on the East right of way line of the aforementioned right of way line of the Northeast Second Way; thence run Southerly along said East right of way line and with a curve concave Westward, said curve having a central angle of 12°00'35" and a radius of 1856.95 feet (chord bearing and distance of South 11°28'24" East 332.83 feet respectively) an arc distance of 332.64 feet to the Point of Beginning. Subject to the following described easement:

A drainage easement situated in Section 20 and Section 21, Township 9 South, Range 20 East, Alachua County, Florida, said easement being more particularly described as follows: Commence at the Southwest corner of Section 21, Township 9 South, Range 20 East, and run North 00 degrees, 00 minutes, 54 seconds East, along the West line of said Section 21, a distance of 40.00 feet to the North right-of-way line of Northeast 39th Avenue; thence run South 89 degrees, 28 minutes, 26 seconds East, along said North right-of-way line, a distance of 10.03 feet to the Southeast corner of PINE FOREST ESTATES, UNIT NO. ONE, a subdivision as recorded in Plat Book "I", Page 13, of the Public Records of Alachua County, Florida; thence run North 00 degrees, 31 minutes, 34 seconds East, along the East right-of-way line of Northeast Second Way, a distance of 83.56 feet; thence run Northwesterly along said East right-of-way line with a curve concave Southwesterly, said curve having a central angle of 05 degrees, 24 minutes, 09 seconds, a radius of 1555.95 feet, an arc length of 177.14 feet, and a chord bearing and distance of North 02 degrees, 40 minutes, 31 seconds West 177.24 feet to the point of beginning; thence continue Northwesterly along said East right-of-way with a curve concave Southwesterly, said curve having a central angle of 01 degrees, 49 minutes, 12 seconds, a radius of 1586.95 feet, an arc length of 30.41 feet and a chord bearing of North 08 degrees, 47 minutes, 11 seconds West, 50.41 feet respectively; thence run South 89 degrees, 28 minutes, 26 seconds East, a distance of 230.14 feet; thence run North 08 degrees, 26 minutes, 22 seconds West, a distance of 337.15 feet; thence run North 72 degrees, 34 minutes, 21 seconds East, a distance of 40.25 feet; thence run North 30 degrees, 59 minutes, 54 seconds East, a distance of 151.88 feet; thence run North 00 degrees, 31 minutes, 34 seconds East, a distance of 400.00 feet; thence run South 89 degrees, 28 minutes, 26 seconds East, a distance of 60.00 feet; thence run South 80 degrees, 21 minutes, 34 seconds West, a distance of 449.43 feet; thence run North 69 degrees, 28 minutes, 30 seconds West, a distance of 41.34 feet; thence run South 50 degrees, 59 minutes, 54 seconds West, a distance of 152.24 feet; thence run South 08 degrees, 26 minutes, 22 seconds East, a distance of 349.93 feet; thence run North 89 degrees, 28 minutes, 26 seconds West, a distance of 382.24 feet, to the Eastern right-of-way line of Northeast Second Way and the Point of Beginning of said drainage easement.

### Parcel 3-B:

A parcel of land situated in Section 21, Township 9 South, Range 20 East, Alachua County, Florida; said parcel of land being more particularly described as follows: Commence at the Southwest corner of Section 21, Township 9 South, Range 20 East, and run North 00°00'54" East, along the West line of said Section 21, 40.00 feet to the North right of way line of N.W. 39th Avenue; thence run South 89°28'26" East, along said right of way line 465.47 feet; thence continue South 89°50'38" East, along said right of way line 346.48 feet to the Point of Beginning; thence continue South 89°50'38" East, along said right of way line, 100.00 feet; thence run North 00°03'38" West 230.00 feet; thence run North 89°50'38" West, 100.00 feet; thence run South 00°03'38" East, 230.00 feet to the Point of Beginning.

# EXHIBIT "B"

## GAINESVILLE AUTO TOWN CENTER PLANNED DEVELOPMENT REPORT

RESUBMITTAL

JURISDICTION:  
CITY OF GAINESVILLE, FLORIDA

APPLICANT:  
SCOTT McRAE AUTOMOTIVE GROUP, INC.

JANUARY 2008  
REVISED



 **ARCADIS**

# GAINESVILLE AUTO TOWN CENTER

## Table of Contents

<u>Section</u>		<u>Page</u>
<b>Sec. 30-211</b>	Justification for planned development rezoning	4
<b>Sec. 30-213</b>	Minimum requirements for rezoning to planned development	5
<b>Sec. 30-214(3)(b)</b>	Existing Conditions Map	6
<b>Sec. 30-214(3)(c)</b>	PD Layout Plan and Report	7
<b>Sec. 30-214(3)(c)</b>	Statistical Information	9
<b>Sec. 30-214(3)(c)</b>	Stormwater Management Plan	9
<b>Sec. 30-214(3)(c)</b>	Design Standards	9
<b>Sec. 30-214(3)(c)</b>	Development Schedule	11
<b>Sec. 30-214(3)(c)</b>	Anticipated Differences	11
<b>Sec. 30-216</b>	Requirements and Evaluation of PD	12
<b>Sec. 30-200 - 30-204</b>	Wellfield Protection Special Use Permit	16
<b>Sec. 30-302.1</b>	Avoiding Loss or Degradation of Wetlands	16



# GAINESVILLE AUTO TOWN CENTER

## Other Required Elements

University of Florida Letter of Support	19
Neighborhood Workshop Summary	20
Archaeological Letter	26

### Oversized Maps and Plans

#### Maps

- Vicinity
- Surrounding Properties
- Existing Future Land Use
- Current Zoning
- Proposed Zoning
- Public Facilities
- Vegetation
- Soils
- Topo/Wetlands/Flood Zone

#### Plans

- Cover Sheet
- Existing Conditions
- Existing Vegetation
- PD Layout Plan Map
- Tree Survey
- General Architectural Theme

# GAINESVILLE AUTO TOWN CENTER

\* The applicant respectfully requests exemption from the requested market study as the City of Gainesville's Comprehensive Plan encourages auto-dealerships along North Main Street, north of 16<sup>th</sup> Avenue.

**Date:** January 31, 2008 (Revised)

**Owner:** Scott McRae Automotive Group, Inc  
Cleveland T. Farnell  
701 Riverside Park Place, Suite 310  
Jacksonville, Florida 32204-3343

**Agent:** ARCADIS US, Inc.  
c/o Lou Gena Smith, Planner  
1650 Prudential Dr. Suite 400  
Jacksonville, FL 32207

**Engineer:** ARCADIS US, Inc.  
1650 Prudential Dr. Suite 400  
Jacksonville, FL 32207

Submitted in accordance with the requirements of these specific sections of the City of Gainesville, Land Development Code (LDC):

30-211, 213, 214, 216	Planned Development
30-203(b)(1-2) and 30-233	Wellfield Protection Special Use Permit
30-302.1	Avoiding loss or degradation of wetlands

# GAINESVILLE AUTO TOWN CENTER

## **Section 30-211 Purpose and intent of PD District (Justification for planned development rezoning)**

A master-planned commercial development, encompassing integrated, pedestrian-friendly walkways between adjoining auto dealerships, coordinated retention areas, and other features is being planned for the NW quadrant of the North Main Street and NW 39<sup>th</sup> Avenue intersection. The Scott McRae Automotive Group has designed "The Gainesville Auto Town Center" in order to take a new and contemporary approach to automobile dealership design. This project uses "Town Center" features to create a more internally "walkable" development, and to break up the typical linear orientation found in other retail areas.

In addition, the proposed PD meets the requirements identified in the City of Gainesville's Land Development Code, Chapter 30, Article VII – Division 4 for rezoning property to a PD. This request will permit outstanding and innovative commercial design principles and foster urban redevelopment through the merits of the proposed PD.

This 18.4 acre project combines new and used car sales with a community/learning center and an alternative fuels fueling station. Such a project will provide an example of a public/private partnership in alternative fuel education and applications while situating up to three automobile dealerships within walking distance of one another. This will give customers on-site, pedestrian-oriented alternatives within the project boundaries, thereby capturing many of the trips a typical customer would take when shopping for a vehicle.

This development will consist of redeveloping the northwest corner of the intersection of 39<sup>th</sup> Avenue and North Main Street, which currently contains a vacant office building, drive-thru bank, bar and several other acres of commercially zoned, unimproved property. The development will provide for a master-planned commercial site instead of typical strip or smaller-scale commercial sites that could cause excess traffic, congestion and unsightly and uncoordinated architectural features. The site is directly across from an existing automobile dealership and a common use synergy can be achieved between the two dealerships, such as driveway alignment and pedestrian interaction. To the greatest extent practicable, the PD's stormwater management facilities, driveways, common space, and utility locations will be designed to utilize and preserve the site's existing landscape features. Where possible, the site's landscape features shall be incorporated as aesthetic elements, both internally and externally, from the site for passive recreation and for buffering purposes.

This development will contribute to the community in several ways. First, the site is situated within the City of Gainesville Enterprise Zone Area 1 (North Main Street) as well as an area specifically designated by the City's Comp Plan for auto dealerships. As such, this development will help revitalize this area as well as potentially provide up to 125 employment opportunities for the area's residents. Secondly, this development will consist of redeveloping the northwest corner of the intersection of 39<sup>th</sup> Avenue and North Main Street, which currently contains a vacant office building, drive-thru bank, bar and several other acres of commercially zoned unimproved property. Thirdly, it will provide an updated and modern "auto town center" along with a multi-use educational building

# GAINESVILLE AUTO TOWN CENTER

being considered for use in conjunction with the University of Florida. Our intention is to develop this educational building in accordance with Leadership in Energy and Environmental Design ("LEED") standards. LEED development uses materials in ways that can maximize natural resources, such as sunlight and wind; in creating spaces that use as little energy and water resources as functionally possible while having a minimal negative impact to the surrounding environment and a maximum positive impact to the people inhabiting the spaces.

Based on other similar Scott-McRae Automotive Group developments in Florida, opportunities for employment will be potentially created on this site for approximately 125 persons. The payroll for these jobs is estimated to be around \$4.5 Million. In addition to this immediate economic benefit to the community, the estimated tax base for this site should be between \$138,150 and \$153,173 annually. This range was derived from Alachua County Tax Collector information in comparison with similar auto dealerships on North Main Street in Gainesville.

## **Section 30-213 Minimum requirements for planned development**

An application for a PD rezoning must present evidence that justifies the rezoning. The justification is as follows:

1. This PD District will provide the subject property with the ability to locate a very unique automobile dealership in an area of Gainesville specifically allocated to such uses as set forth in Policy 4.2.5 of the City's Comp Plan. The proposed dealership is a "one of a kind development" that provides for a master-planned commercial site, encompassing integrated, pedestrian-friendly walkways between adjoining auto dealerships, coordinated retention areas, and other features, instead of strip or smaller-scale commercial sites that could cause excess traffic, congestion and unsightly and uncoordinated architectural features. The PD district is consistent with the City's Comprehensive Plan and does not require a land use amendment of any kind.

**Objective 2.1** Redevelopment should be encouraged to promote compact, vibrant urbanism, improve the condition of blighted areas, discourage urban sprawl, and foster compact development patterns that promote transportation choice.

This project entails the development of approximately 16 acres of unimproved commercial property as well as the redevelopment of approximately 2 acres that currently contain a vacant office building, drinking establishment and bank with drive through facilities. The result of this redevelopment will be a compact auto town center campus with associated uses that will be unique to the City of Gainesville.

**Policy 4.2.5** The City shall continue to restrict auto sales and relatively intense auto service to North Main Street north of 16<sup>th</sup> Avenue.

# GAINESVILLE AUTO TOWN CENTER

The Gainesville Auto Town Center is consistent with this policy of the plan because the development is located on the NW quadrant of the intersection of North Main Street and NE 39<sup>th</sup> Street, which is north of 16<sup>th</sup> Avenue.

2. Since the existing zoning designation is “Business (BUS)”, a rezoning to “Planned Development” (PD) is necessary to facilitate an auto dealership development on the subject parcel, which lies within the North Main Street Enterprise Zone. A rezoning to the PD district will provide:

1. A better description and control of typical auto dealer nuisances such as noise and lights
2. An enhanced buffer along the western and northern property boundary to protect the adjacent residential housing units.
3. It will also allow for a zoning district that is less intensive than the existing (BUS) district, but includes the necessary “Business Automotive” (BA) uses needed to permit the proposed project.

Both zoning categories are consistent with the underlying “Commercial” future land use designation in the City of Gainesville Comprehensive Plan (Comp Plan). All other regulations set forth in the City of Gainesville Land Development Code will be met including signage, buffers, parking, access, and more.

3. The proposed development will not have access onto local residential roads. All ingress and egress will occur from N. Main Street and potentially NE 39<sup>th</sup> Avenue. Therefore, there will be no vehicular impact on adjacent residential uses which are a concern to the area. Furthermore, all project lighting will be directed away from existing residential units with the use of modern directional lighting equipment. This directional lighting will be shown on the binding development plan as being placed toward the front of the development, closer to the roadways. It is also the intent of this Planned Development to reduce or eliminate noise and glare from the existing residential developments to the north and west of the project. This is achieved through careful design and orientation of the proposed buildings, parking areas and vehicular flow.

## **Sec. 30-214(3)(b) Existing Conditions Map**

Please see the following information on the maps provided at the end of this document.

- (1) Title of the proposed PD:**
- (2) General Location Map**
- (3) Existing Survey and Wetlands Map**
- (4) Topography Map**
- (5) Soils Map**
- (6) General Map**
- (7) Public Facilities Map**

# GAINESVILLE AUTO TOWN CENTER

## Section 30-214(3)(c) PD Layout Plan and Report

**(1) Please see the following information located within the set of plans that include the PD Layout Plan.**

- (i) The proposed land use relationships
- (ii) The proposed vehicle, bicycle and pedestrian circulation system
- (iii) The use and, generally the size, location, distance from buildings
- (iv) The location and size of usable open spaces
- (v) The location and size of all institutional uses
- (vi) The general architectural theme or appearance of buildings

## **(2) PD Report**

**(i) Compliance with the objectives set forth in Section 30-211:**

**(1) Permit outstanding and innovative residential and nonresidential developments.**

The Gainesville Auto Town Center takes a new and contemporary approach to automobile dealership design. This project uses "town center" features, such as a boulevard type entrance with a central traffic circle, to create a more internally "walkable" development, and to break-up the typical linear orientation found in other retail areas. The principal structures will be oriented in a staggered fashion, when possible, so as to face the street as well as the internal "roundabout" feature. This unique configuration provides internal as well as external marketability.

**(2) Provide flexibility to meet changing needs, technologies, economics and consumer preferences.**

This 18.4 acre project combines new and used car sales with a community/learning center and an alternative fueling station. Such a project will provide an example of a public/private partnership in alternative fuel education and applications while situating up to three automobile dealerships within walking distance of one another. This will give customers on-site, pedestrian-oriented alternatives within the project boundaries, thereby capturing many of the trips a typical customer would take when shopping for a vehicle.

**(3) Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing and outstanding landscape features and scenic vistas.**

This commercial parcel along North Main Street does not contain outstanding landscape features or vistas. A naturally vegetated buffer along the western property boundary will be enhanced to protect the adjacent mufti-family housing units. The developer will utilize the existing vegetation to the greatest extent

# GAINESVILLE AUTO TOWN CENTER

possible. It should be mentioned that, according to the City's "Special Area Plans Map", the subject parcel is not within the Central Corridor Special Area Plan. Additionally, in order to prevent display or storage of vehicles within the right-of-way, we intend to install bollards and comply with the streetscape requirements set forth in Gainesville's Land Development Code.

**(4) Lower development and building costs by permitting smaller networks of utilities, a network of narrower streets, and the use of more economical development patterns and shared facilities.**

The "town center" design of this project provides for the best development pattern possible for shared utilities and infrastructure.

**(5) Achieve overall coordinated building and facility relationships and infill development, and eliminate the negative impacts of unplanned and piecemeal development.**

This development will consist of redeveloping the northwest corner of the intersection of 39<sup>th</sup> Avenue and North Main Street, which currently contains a vacant office building, drive-thru bank, bar and several other acres of commercially zoned, unimproved property. The development will provide for a master-planned commercial site, encompassing pedestrian-friendly walkways, coordinated retention areas and more, instead of strip or smaller-scale commercial sites that could cause excess traffic, congestion and unsightly and uncoordinated architectural features.

**(6) Enhance the combination and coordination of architectural styles, building forms and building relationships within the development.**

Since this development will be master-planned, and not developed piecemeal, it will encompass a complementary architectural style. The building forms will be mostly glass in the front for vehicle display with service located in the rear, pursuant to comprehensive plan regulation. The buildings will be oriented in a fashion so as to promote internal walkability. Features such as sidewalks, benches, open space and lighting will be used to promote connectivity on a human scale thereby reducing automobile dependency.

**(7) Promote the use of traditional, quality-of-life design features, such as pedestrian scale, parking located to the side or rear of buildings, narrow streets, connected streets, terminated vistas, front porches, recessed garages, alleys, aligned building facades that face the street, and formal landscaping along streets and sidewalks.**

# GAINESVILLE AUTO TOWN CENTER

The Gainesville Auto town center provides an alternative design to the typical strip mall retail development and independent auto dealerships. This project encourages walkability through creative site planning and architecture. Since this development is non-residential, such features as narrower streets, porches, garages and alleys are non applicable.

## **Section 30-214(3)(c)(2)(ii) Statistical Information**

The Gainesville Auto Town Center Planned Development (PD) presents a unique approach to automobile dealership along the North Main Street Corridor. The purpose of this PD is to horizontally integrate up to three automobile dealerships, accessory car washes and a small learning center into a commercial site while protecting the adjacent residential uses and maintain consistency with the City's Land Development Regulations as much as possible. Please refer to the PD Layout Plan Map for the Statistical Information of the site.

## **Section 30-214(3)(c)(2)(iii) Stormwater Management Plan**

The project development will include on-site Stormwater management facilities which will provide water quality treatment and rate/volume attenuation for the 100-year design storm event. All facilities will be privately owned and maintained and will employ best management practices. Water quality treatment will meet or exceed the City of Gainesville LDC and St. Johns River Water Management District criteria. Post-development runoff rates will not exceed pre-development rates of discharge. A Stormwater Pollution Prevention Plan (SWPPP) will be included as required by the Florida Department of Environmental Protection NPDES program.

## **Section 30-214(3)(c)(2)(iv) Design Standards**

**A statement indicating the design standards proposed to be utilized for all streets and off-street parking and loading facilities, public or private.**

All design standards proposed to be utilized for streets and off-street parking and loading facilities, public or private will be consistent with the City of Gainesville Standards.

## **Proposed PD Design Guidelines – Infrastructure Design Standards**

The Gainesville Auto Town Center takes a new and contemporary approach to automobile dealership design. This project uses "town center" features, such as a boulevard type entrance with a central traffic circle, to create a more internally "walkable" development, and to break-up the typical linear orientation found in other retail areas. The principal structures will be oriented in a staggered fashion, when



# GAINESVILLE AUTO TOWN CENTER

possible, so as to face the street as well as the internal “roundabout” feature. This unique configuration provides internal as well as external marketability.

The structures in this development will have a unified architectural style. The facades will present a pleasing appearance not only to the customers and employees of the development, but also to the traffic passing by the site. The unified design will create an inviting comfortable feel with open spaces and pedestrian-friendly walkways.

## **External Noise and Lighting Impacts**

This PD proposes commercial uses in the vicinity of existing residential developments. Lighting on the site will be designed to provide for safe circulation throughout the site for pedestrians and vehicles, but not so as to intrude upon these residential units. Through best management practices, landscaping and lighting will be designed to minimize the amount of noise and glare that may be generated by the development. Based on surrounding development patterns, increasing the setback, and increasing the landscaping, it is not anticipated that the surrounding area will be negatively impacted. It is our intent that all lighting on the development site will meet the City of Gainesville’s ordinance requirements, including glare and spillover lighting.

## **Sidewalks**

Consistent with the Goals of the City of Gainesville’s Comp Plan, the development will have both internal and external sidewalks that shall be constructed in accordance with the City of Gainesville Public Works' Design Manual and will be further discussed during the development plan review process. It is important to the success of this development to maintain a pedestrian-friendly environment.

## **Landscaping**

All plant material will be Florida #1 grade or better as outlined by Grades and Standards for Nursery Plants, Division of Plant Industry, Florida Department of Agriculture and Consumer Services. It is our intent that landscape improvements within the street yard buffer shall contain large shade trees, understory trees, large and small shrubs as defined in the City of Gainesville Land Development Codes, and street trees will be chosen from Gainesville’s approved Tree List. The basins, if any, will be planted at a minimum of 25% and shall include the equivalent of at least one shade tree per 35 linear feet of basin perimeter and other species conducive to growth in or around wet detention systems. In order to prevent display or storage of vehicles within the right-of-way, we intend to install ballards and comply with the streetscape requirements set forth in Gainesville’s Land Development Code.

# GAINESVILLE AUTO TOWN CENTER

## Section 30-214(3)(c)(2)(v) Development Schedule

**A development schedule for the PD (or for each phase, if phasing is proposed). The development schedule shall not be binding, except as may be specifically required in the rezoning ordinance.**

This project will consist of two phases. The first phase will include the development of a Mercedes Dealership, the perimeter road, and the roundabout along with associated parking, landscaping and retention. The second phase will consist of the learning center (this multi-use building will not only include the learning center, but also office space and a 1,000 square foot gasoline/service station with up to 6 outdoor fueling stations), other dealership building(s) and associated parking and landscaping. The schedule is as follows:

Phase 1: 2008-2009

Phase 2: 2009-2013

## Section 30-214(3)(c)(2)(vii) Anticipated Differences

**An enumeration of anticipated differences between the current zoning district standards of the PD property and the proposed PD standards:**

The Scott McRae Group is requesting a rezoning of 18.4 acres to the PD (Planned Development) district in order to build a multi-tenant auto dealership. Some of the permitted uses will be automotive dealers, automotive repair and accessory uses incidental to the principal use. The PD district will permit only those uses necessary to facilitate this specific project.

The difference in uses between the PD and current zoning will result in less intensive uses for the property. Some of the permitted uses will be automotive dealers, automotive repair, eating places, educational services, car washes and accessory uses incidental to the principal use.

Please see the complete list of permitted uses below.

<b>PD District Uses</b>
<b>USES BY RIGHT:</b>
Any accessory use customarily incidental to a permitted principal use
Eating places
Educational Services
Automotive dealers, gasoline service stations and fuel dealers

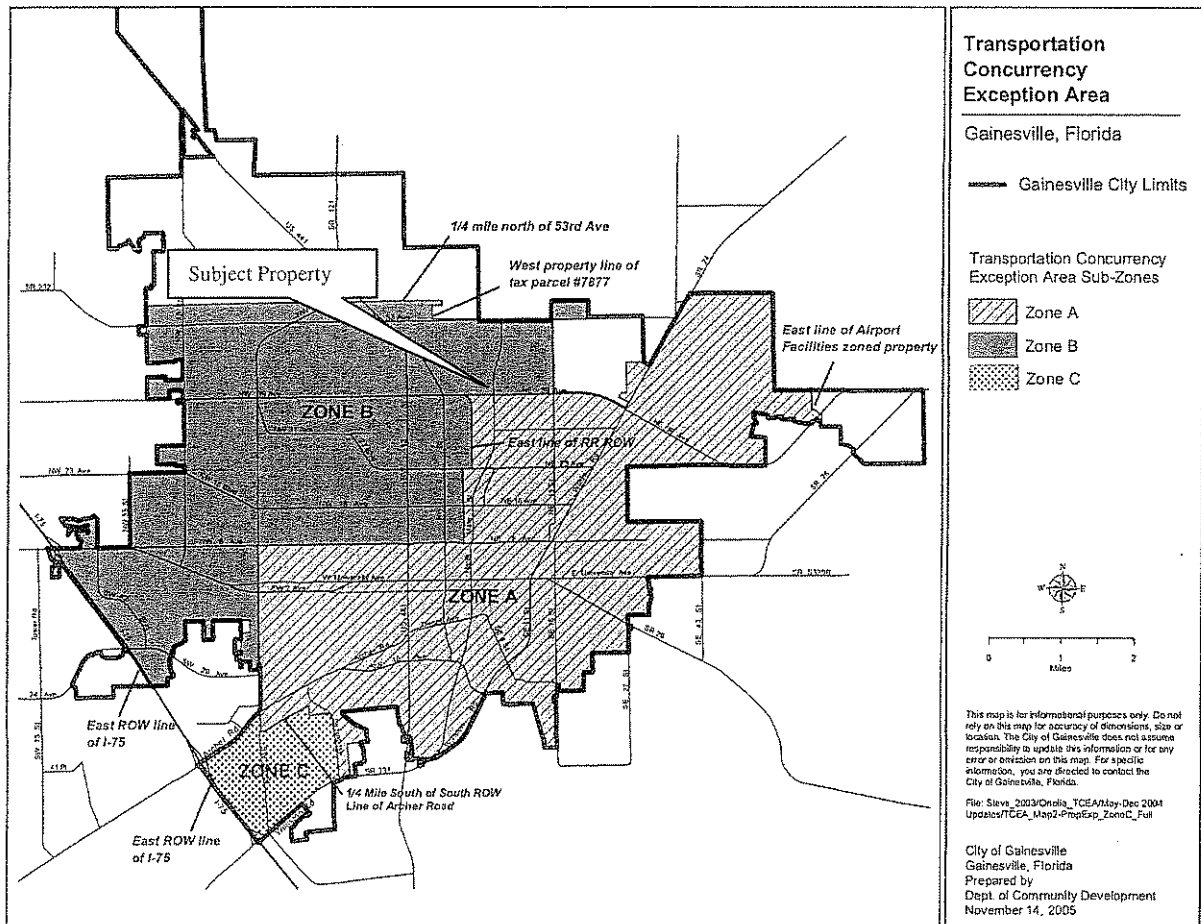
# GAINESVILLE AUTO TOWN CENTER

Automotive repair, services and parking
Carwashes
Outdoor cafe
Gasoline service stations including the sale of alternative fuels for automobiles

## Section 30-216 Requirements and evaluation of PD

### Concurrency

The subject property is located within Transportation Concurrency Exception Area (TCEA) Zone 'B', as illustrated in the map below. As such, the PD will meet the relevant standards as required by Policies 1.1.5 and 1.1.6, of the Concurrency Management Element of the City's Comprehensive Plan and will apply to obtain a Certificate of Final Concurrency at the development approval stage.



# GAINESVILLE AUTO TOWN CENTER

## Internal Compatibility

Since the PD creates a harmonious combination of uses, the project emulates such smart growth techniques as shared driveways and clustering. The project contains three free-standing structures comprised of three automotive dealerships and a learning center with up to six alternative fueling stations. As such, the uses contained within the development are automotive and are compatible with each other. In addition, the development will consist of internal sidewalks connecting all uses, which will be connected to the external sidewalk network to provide patrons and residents of neighboring developments with easy mobility and access to the commercial services offered in this PD.

## External Compatibility

This development will help revitalize this area as well as potentially provide up to 125 employment opportunities for the area's residents. This development will provide for a master-planned commercial site, encompassing integrated, pedestrian-friendly walkways between adjoining auto dealerships, coordinated retention areas, and other features, instead of strip or smaller-scale commercial sites that could cause excess traffic, congestion and unsightly and uncoordinated architectural features. The driveway locations, both internally and externally, will be situated in such a way as to provide optimal maneuverability in and out of the development. One example of this provision is the driveway location on North Main Street. This driveway will be located directly opposite of the existing automobile dealership across the road.

Direction	Zoning	Existing Use
North	RMF-5	Multi Family Units (Duplex, Triplex and Quadruplex)
East	BA	Automobile Dealership (across N. Main Street)
South	BA	Used Car Dealership
West	RMF-5	Multi Family Units (Duplex, Triplex and Quadruplex)

## Intensity of Development

The project's proposed intensity of development is consistent with the City's LDC requirements for PDs. It is commensurate with the commercial character of the area and will not be a detriment to the health safety or welfare of the surrounding community. In addition, the design of this development will exist in harmony with the environmental features along the northern and western ends of the site.

The project's proposed intensity of up to 150,000 square feet of commercial uses, including up to 3 dealerships and a learning center (this multi-use building will also comprise of office space and a 1,000 square foot gasoline/service station with up to 6 outdoor fueling stations) use will not have undue adverse impacts on the physical and environmental characteristics of the site and surrounding neighborhood. The architectural

# GAINESVILLE AUTO TOWN CENTER

character of the buildings, streetscaping, and walkways will enhance the urban character of this commercial area.

## **Usable Open Space**

Common area exists throughout the site to add to the pedestrian-friendly nature of this commercial development. Common areas will contain amenities such as benches and sidewalks to enhance the comfort levels of the patrons and visitors of this establishment.

## **Environmental Constraints**

The Planned Development includes impacts to a minimal amount of wetland acreage. The wetlands on-site are isolated (except for a perimeter ditch) and considered to be of low to moderate quality and have been historically drained by the installation of drainage ditches in the late 1960s to early 1970s. Three of the four onsite wetlands contain a dominant canopy of slash pine (*Pinus elliottii*), with red maple (*Acer rubrum*), water oak (*Quercus nigra*), and swamp bay (*Persea palustris*) scattered throughout. The understory and ground cover consist of Carolina willow (*Salix caroliniana*), Chinese tallow (*Sapium sebiferum*), black stemmed chainfern (*Woodwardia virginica*), royal fern (*Osmunda regalis*), smartweed (*Polygonum* sp.), and netted chainfern (*W. aereolata*). The northern most wetland contains a dominant canopy of scattered slash pine, with sparse understory of invasive wax myrtle and groundcover of sawgrass. Mitigation will be provided to offset the proposed wetland impacts within the same basin. Attached please find a detailed Mitigation Plan (Exhibit 2).

In addition, no adjacent properties or wetlands will be affected by the proposed development or proposed impacts. No natural creeks or lakes are located within the project boundaries or immediately adjacent project, only a drainage easement that runs along the western boundary of the site. The uplands within the project boundary have been maintained by mowing and the dominant canopy consists of a slash pine with scattered oaks such as laurel oak (*Q. hemisphaerica*) and water oak. No unique communities, strategic ecosystems, or greenways are located onsite.

## **External Transportation Access**

The site will be primarily accessible from a driveway located on N. Main Street, which is along the eastern property line, and potentially NE 39<sup>th</sup> Avenue. The project's main access point will be lined up with the driveway of the property located across N. Main Street so as to provide for a better flow of traffic on the external roadway.

Trip Generations are based upon the latest edition of the ITE Trip Generation manual, 7<sup>th</sup> Edition.

# GAINESVILLE AUTO TOWN CENTER

## Proposed Vehicle Trip Generation\*

Land Use (ITE Code)	Size	Units	AM Peak Hr Trips	PM Peak Hr Trips	Average Daily Trips
Phase 1					
General Office Building (710)	9,000	Square Feet	27	89	209
Gasoline/Service Station (945)	6	Fueling Stations	60	80	977
New Care Sales (841)	50,000	Square Feet	80	85	928
<b>Phase 1 Total</b>			<b>167</b>	<b>254</b>	<b>2,114</b>
Phase 2					
New Care Sales (841)	50,000	Square Feet	80	85	928
<b>Phase 2 Total</b>			<b>80</b>	<b>85</b>	<b>928</b>
<b>Total Proposed Trip Generation</b>					
Phase 1 Total			167	254	2,114
Phase 2 Total			80	85	928
<b>Total Proposed Trip Generation</b>			<b>247</b>	<b>339</b>	<b>3,042</b>

\* Phasing in the table above does not reflect the actual development phasing schedule.

### Internal Transportation Access

All uses within the PD will have access to N. Main Street via a private driveway. This driveway is located near the halfway mark of the eastern property line and will be the primary entrance. The project will also have secondary access points for loading and unloading activities. Besides semi-tractor trailers hauling vehicles, two car wash facilities will be located along the secondary access driveway behind the learning center and dealerships. As such, the secondary driveway will also provide access to the car wash facilities from the principal uses. Located within the project site, there is an internal roundabout that serves as a central focal point where all of the uses converge. Sidewalks will be provided throughout the development to accommodate pedestrian traffic between uses. The internal circulation design will ensure safe and efficient circulation.

### Provision for the Range of Transportation Choices

The PD will be accessible by pedestrians, bicycles, mass transit, and personal vehicles via sidewalks and private driveways. The sidewalks will comply with City standards and will circle the perimeter of the site, then continue into the site to create an interconnected sidewalk network. Crosswalks will be provided at the entrance drives on N. Main Street for safe passage of pedestrian traffic. Those using the mass transit system can reach the site via the existing RTS Route 15 along NW 39<sup>th</sup> Avenue.

Sufficient on-site parking will be provided for patrons traveling in automobiles to ensure a safe and efficient circulation. Additionally, parking for bicycles will be provided on

# GAINESVILLE AUTO TOWN CENTER

site to encourage multi-modal movement. The details of the pedestrian/bicycle access points to the public rights-of-way will be determined during the development plan review process.

## **Section 30-200 through 30-204 Wellfield Protection Special Use Permit**

Please see the Wellfield Protection Use Permit Application under a separate submittal.

## **Section 30-302.1 Avoiding Loss or Degradation of Wetlands**

### **Environmental Rezoning Application Information:**

#### **1. UMAM application**

Attached as Exhibit 3, please find the Uniform Mitigation Assessment Method (UMAM) workbook for the proposed Gainesville Auto Town Center project.

#### **2. Justification for mitigation (as opposed to avoidance, minimization or degradation)**

Land is quickly becoming unavailable for new development within the City of Gainesville (City). Multiple alternative project sites within the northeast portion of the City were investigated before determining the Gainesville Auto Town Center site to be most favorable. No vacant parcels of similar size with suitable land use and favorable location for an automobile dealership are currently available. It is also critical to develop the project with access to a major roadway. No parcels with these specifications are available in the northeastern portion of the City. Therefore, using an alternative site for the Gainesville Auto Town Center would be impracticable. Upon evaluation of alternatives to the project that are both available and capable of being done, and with consideration of costs, existing technology, and logistics in light of the overall project purpose, the proposed project location and design is the least damaging practicable alternative.

Although the proposed plan includes impacting all onsite wetlands, most of these wetlands are considered low-quality due to their isolated location and low quality vegetation as affected by the onsite drainage ditch. Onsite drainage has been modified from historical patterns the wetlands would have naturally assumed and no longer provides for maximum functions and values. The drainage ditch has caused alterations to the natural water flow across the site and affected retention within the proposed site's wetlands. The mitigation proposed to offset the impacts will preserve an area that will provide greater long-term functions and values than the proposed impact areas. Attached please find a detailed Mitigation Plan (Exhibit 2).

# GAINESVILLE AUTO TOWN CENTER

### **3. Environmental constraints (wetland quality on this property as opposed to across the street)**

The Gainesville Auto Town Center project site is surrounded on all sides by development. North Main Street borders the project site to the east, and NW 39<sup>th</sup> Avenue and businesses are to the south. Multifamily residential developments border the project area to the west and north. In addition, impacts from the residential development can be seen throughout the site as trails and waste such as old mattresses, appliances, and trash. The proposed impacted area is surrounded on three sides by natural areas and to the west by a car dealership parking lot. This lot is used for storing vehicles and does not receive a high volume of traffic or activity.

The only wetland community considered medium quality on the Gainesville Auto Town Center site is the ±0.75-acre wetland forested mixed community located in the central portion of the project. Although this community is of higher quality than other onsite wetlands, it is surrounded by upland coniferous forested, which has been periodically maintained by mowing. In addition, the onsite drainage ditch has historically drained the onsite wetlands, thus altering their hydrology. This also makes it challenging and unfavorable to a variety of wildlife species that would normally use high-quality contiguous wetlands as a corridor for travel or foraging and nesting habitat. Any functional connectivity that originally existed on the site has already been compromised due to impacts from the drainage ditch already established on the site. Additionally, the close proximity of any remaining wetlands to the development would cause this to be a less favorable environment. Invasive-exotic plant species, specifically Chinese tallow trees, currently exist within one of the wetlands onsite. If this wetland were to remain, the community would become more susceptible to a greater variety of invasive plant species that thrive on disturbed sites, such as the development edge. As invasive species continue to creep into the interior of the remaining wetland, they could dominate other native vegetation and tend to minimize the species diversity across the stratum, again creating an unfavorable habitat for a variety of wildlife species. The remaining wetlands would provide little water quality or retention benefits.

### **4. Development constraints if we kept the wetlands**

Due to the nature of the project a “no wetland impact” alternative is not practicable on this site. The proposed project area contains a large amount of isolated wetlands. Development on only the uplands, while providing the required 50-foot upland buffer, would leave small pockets of developable uplands, and would also cut off access to uplands in the western portion of the project area.

With an alternative site plan, wetland impacts would still be necessary since access is limited to isolated portions of developable uplands on the site. This alternative plan is not feasible because it could require development only on a small area of uplands along North Main Street. This would severely restrict the developable area. With a limited developable area, the project goals of an Auto Town Center, including learning center and alternative fuel station, while grouping three car dealerships in a central location, could not be reached.



# GAINESVILLE AUTO TOWN CENTER

In addition, the proposed wetland impacts are mostly to low quality wetlands. The mitigation proposed to offset the impacts will preserve higher quality wetlands and uplands that will provide greater long-term functions and values than the proposed impact areas. When calculating the necessary mitigation using UMAM, scores were used that would provide the appropriate amount of mitigation.

# GAINESVILLE AUTO TOWN CENTER



Florida Institute for Sustainable Energy

217 MAE  
PO Box 116400  
Gainesville, FL 32611-6400  
352-846-2991  
Fax: 352-846-0326  
Email: [ewach@mse.ufl.edu](mailto:ewach@mse.ufl.edu)  
Web: <http://www.mae.ufl.edu/Energy>

May 26, 2007

Honorable Pegeen Hanrahan  
Mayor  
City of Gainesville  
200 E. University Avenue  
Gainesville, Florida 32601

Re: Proposed Duval Motorcars Auto Dealership  
(39<sup>th</sup> Avenue and Main Street)

Dear Mayor Hanrahan:

The Florida Institute for Sustainable Energy has been involved in discussions with the Scott-McRae Automotive Group, Inc., the owner of Duval Motorcars, to develop a cooperative educational program focused on the important and timely issue of alternative fuels utilization. This program will be in connection with their proposed Mercedes-Benz/multi-dealer automobile dealership at 39<sup>th</sup> Avenue and Main Street. We are also working with the Scott-McRae Group in the design of the dealership campus to incorporate energy efficient approaches under the Leadership in Energy and Environmental Design (LEED) program.

We wish to offer our support of the Scott-McRae Group in the pursuit of their new dealership. We are excited by the possibility to provide educational opportunities for students and consumers to better understand alternative fuels utilization while setting an achievable example of energy efficiency, incorporated into an innovative auto dealership design.

Thank you for your consideration of our comments.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Eric D. Wachsman', with a horizontal line extending to the right.

Dr. Eric D. Wachsman  
Director, Florida Institute for Sustainable Energy  
UF Research Foundation Professor, Materials Science and Engineering

# GAINESVILLE AUTO TOWN CENTER



Infrastructure, environment, facilities

Mr. Ralph Hilliard  
Planning Manager, City of Gainesville  
Department of Community Development  
306 NE 6<sup>th</sup> Avenue, Bldg. B  
Gainesville, Florida 32602

ARCADIS US, Inc.  
1650 Prudential Drive  
Suite 400  
Jacksonville  
Florida 32207  
Tel: 904.721.2991  
Fax: 904.861.2950  
www.arcadis-us.com

Land Resources

## Subject: Gainesville Auto Town Center Neighborhood Workshop Written Summary

Dear Mr. Hilliard:

Date:  
May 17, 2007

Pursuant to the City of Gainesville's Development Review Process, a duly noticed neighborhood workshop to discuss this project was held on May 16, 2007 at 6:30 pm to ensure early citizen participation in an informal forum. Only one of the ninety-two (92) notified land owners within four hundred feet, and none of the noticed neighborhood associations attended.

Contact:  
Mark Shelton

Phone:  
904.861.2991

Email:  
MShelton@arcadis-  
us.com

Our ref:  
JK007038

Ms. Kathy Franks, 8825 NE 108 Avenue, who owns 2 duplexes in the adjoining neighborhood, asked several questions about the project. She asked if there would be a fence around the retention pond on the west boundary, as she was concerned with child safety. She also asked whether the fence would be wood or concrete and noted that wood fences deteriorate, and if that happens, who would rebuild the fence. Ms. Franks noted the positives of having fences and buffers in our plan. She also brought up the potential problem of commercial traffic using NE 2nd Way in connection with another proposed project. Her concern again was child safety. We responded to each of her questions and concerns. We explained how the perimeter fence would be wood, which the developer would be required to maintain. Also, the project would not be accessed from the local streets. Lastly, she asked to be notified of the hearing schedule and we offered to email her a copy of the PD application when filed. Finally, she commented on how she liked the project, and that it was a quality project she would support.

A Gainesville Sun reporter, also in attendance, asked if this was a relocation of the Duval Motorcars Mercedes dealership. We explained how this could be considered a relocation.

# GAINESVILLE AUTO TOWN CENTER

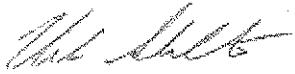
ARCADIS

Hilliard  
May 17, 2007

If you require additional information or have any questions, please do not hesitate to contact me at (904) 861-2803.

Sincerely,

**Arcadis US, Inc.**



Mark W. Shelton, AICP  
Senior Planner

Cc: Cleve Farnell  
Mack McCuller

Page:  
2/2

04/20/2007 09:00 AM MarkW.Shelton@arcadis-us.com

# GAINESVILLE AUTO TOWN CENTER

## GAINESVILLE AUTO TOWN CENTER

### 5/16/07 NEIGHBORHOOD WORKSHOP SIGN-IN SHEET

Name	Address
1. <del>Anthony Frank</del>	8825 NE 108 Ave 32609
2. Joseph Freck	PO Box 357688 Gainesville, FL 32635
3. Anthony Clark	Gainesville Sun
4.	
5.	
6.	
7.	
8.	
9.	
10.	
11.	
12.	
13.	
14.	
15.	
16.	
17.	
18.	
19.	
20.	

# Around the Region

**HAVE A NEWS TIP?**  
 Call 374-5033  
 Mon.-Fri. 9:00-5:00 PM  
 or 374-5033

**A QUESTION ABOUT GOVERNANCE?**  
 Call 374-5033  
 or 374-5040

Day	Time	Location
Friday	8:00-9:00 AM	1st Floor, Room 22
Saturday	9:00-10:00 AM	1st Floor, Room 22
Sunday	10:00-11:00 AM	1st Floor, Room 22

had always been involved in church activities, turned to the ministry.

The problem: The United Methodist Church told Fulford he'd need a bachelor's degree and a master's degree in divinity to be a minister. Fulford had never finished high school.

He saw it was kind of thought, "Oh my gosh, we're going to live here?"

The family survived. In junior high school at UF, Fulford thrived. "Something just clicked," he said. "I had always liked writing. I couldn't do hardly anything else, but I

chimney soot. He wrote the stories, which mostly start with a childhood recollection and end with a religious message, while he attended Asbury Theological Seminary in Kentucky and at United Methodist churches throughout Florida during his years as a minister.

"It's astonishing to me that so many people want to read these little humorous stories with religious messages," Fulford said. "I just wanted to write something funny and to make people laugh. Somehow, people connect with that."



### PUBLIC NOTICE

A neighborhood workshop will be held to discuss a rezoning to PD (Planned Development) of an "Auto Town Center" on 18 acres located on the NW corner of N. Main St. and NE 39th Avenue. 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 Wednesday, May 16<sup>th</sup>, 2007 at 6:30 pm at the Marzán Dealership, 4025 N. Main Street, Gainesville FL. Contact person: Mark Shelton (904) 861-2803

**Jane's Fashions**  
**MOTHER'S DAY**  
**PERFECT GIFTS**

Call 374-5033

**VEGLASS EXPRESS**  
 335-1232  
 332-3937  
 Newberry Square

The Dental Practice of  
**William K. Van Dyke, D.M.D.**  
 is pleased to announce  
 the Association with  
**John A. Balle, III, D.M.D.**

**Saturday Appointments Available**  
 Call Today!  
**352-377-1781**  
 4960 West Newberry Rd., Suite 200, Gainesville

**OVERWEIGHT?**  
**Lyn lost 100 lbs. and 65 inches.**

When I began the program, I felt miserable, unattractive and unloved. I was surprised that one weight came off so fast and I was not hungry. I had the wonderful feeling of being full. The cost is well worth the result. It's a wonderful experience. It's easy, healthy and you don't go hungry.

1st Floor, Bay  
**FREE CONSULTATION** 352-374-4534  
**RESEARCH CENTER** Gainesville

**LOWEST PRICES!**  
**LEHUNG VINYL**  
**GLAZED WINDOWS**

**ANY SIZE \$189**  
 Installed

**WARRANTY**  
 Imply The Best For Less  
 1 For FREE in home estimate  
**352-375-1444**  
 WorldWing.com



...starts this up on a but  
 -your and it had a standard  
 -knows people said that

## THE GAINESVILLE SUN NATION & WORLD TUESDAY, MAY 1, 2007

fight in Iraq for fear the wound become a target of insurgents and his presence could endanger other soldiers.

Harry's regiment, the Blues and Royals, is due to begin a six-month tour of duty in Iraq within weeks.

Over the past two weeks, newspapers have reported threats by Iraqi insurgents to kill or kidnap the prince, including claims his photograph had been widely circulated among militants.

Military chiefs acknowledge that Harry would be an attractive target and that his presence could lead to a surge in attacks on British forces.

—Compiled from The Associated Press

### PUBLIC NOTICE

A neighborhood workshop will be held to discuss a rezoning to PUD (Planned Development of an "Auto Town Center") on 18 acres located on the NW corner of N. Main St. and NE 39<sup>th</sup> Avenue. 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 Wednesday, May 16<sup>th</sup>, 2007 at 6:30 pm at the Mazda Dealership, 4025 N. Main Street, Gainesville FL. Contact person: Mark Shelton (904) 861-2803

troops died in weekend attacks, pushing the death toll past 100 in the deadliest month for American forces since December, the military said Monday as a wave of violence battered Iraqi civilians including a suicide bombing at a Shiite funeral.

The attack against the mourners north of Baghdad — claiming more than 30 lives — was the deadliest in a series of bombings and shootings that killed at least 102 people nationwide.

The rising toll for U.S. soldiers also pointed to a potentially deadly trend: More troops exposed to more dangers as they try to reclaim control of Baghdad.

making them targets for Shiite and Sunni extremists. In a statement Monday, the U.S. command said three American soldiers and an Iraqi interpreter were killed by a roadside bomb the day before in eastern Baghdad. Another U.S. soldier was killed Saturday by small arms fire in the same area, the statement said.

A Marine died in combat Sunday in Anbar province, a Sunni insurgent stronghold west of the capital, the military said.

The deaths brought the number of American service members killed in Iraq during April

suicide bomber struck the Shiite funeral in Khalis, about 50 miles north of Baghdad. The bomber walked into a tent filled with mourners and detonated a belt of explosives hidden beneath his clothes, police said.

Eisewhere, a tanker truck exploded near a restaurant just west of Kamadi, the capital of Anbar province, killing four people and wounding six, police said.

At least 66 other people were killed or found dead nationwide Monday, police reported. They included 27 bullet-riddled bodies found in Baghdad.

Harry Reid, D-Nev., urged the president to reconsider his veto.

"If the president wonders why the American people have lost patience, it is because the news out of Iraq grows worse by the day," Reid said. "When we send the supplemental conference report to President Bush tomorrow, we ask that he take some time to reflect on that somber fact."

Bush said that once he vetoes the bill, he's ready to work with Democrats on a new version that provides funds without strings attached.

the commanders also adds for that's unrealistic.

"I have many very clear choices to ignore veto the bill," On another said that Sen. Condoleezza Rice said that Sec of Iran bump Condi won't be polite. "But

of Iran bump Condi won't be polite. "But

of Iran bump Condi won't be polite. "But

## 6 DAYS ONLY

# MEN'S WARDROBE SALE

*The MORE you buy the MORE you save on NEW regular priced men's wear*

BUY

\$1,000

Receive a

Discount of

20%

• SUITS

• SPORTCOATS

• DRESS SHIRTS

• TIE

• VEST

• JACKET

THE GAINESVILLE SUN LOCAL & STATE WEDNESDAY, MAY 2, 2007

**Prosecutor Duesin** Havana, cited the big U.S. Supreme Court precedent, said the foundation of the juvenile justice system is to protect the welfare of the child.

"It is in the best interest of the child not to make the statement (public) and that interest

He said the media outlets could make their arguments in writing.

Susan Bunch, an attorney for the Orlando Sentinel, argued Florida's public records act as reason to release the statement.

"News delayed its news denied," Bunch said during the hearing.

Lynssa Lefsky, a professor of media law at the University of

the case has already received, withholding the statement now is like trying to put the genie back in the bottle," she said.

Prosecutors say the boys ganged up on D'Amico, 38, and bear responsibility for the neighborhood in Daytona Beach on March 27. D'Amico required reconstructive surgery on his face and spent days in a hospital.

to have done more for the springs this year.

Her original bill was much more ambitious, calling for a detailed study of the springs and the development of policies to protect them.

But the bill carried a price tag of \$25 million, meaning it had little chance of passage in a tight budget year. So Boyd scaled back her bill to the current task force proposal.

"I just felt like a very humble first step was better than no step at all," Boyd said.

Sen. Nancy Argentziano, R-Dunnellon, who has been an outspoken critic of the state's lagging efforts on springs protection, said she was disappointed with the legislation, questioning how much value another springs study would have.

"We don't need to study them," Argentziano said. "We're either going to protect them or not."

Argentziano, who is leaving the Legislature this week to join the Public Service Commission, had her own springs legislation that

**"LOWEST PRICES"**  
**BLE HUNG VINYL**  
**RATED WINDOWS**

**ANY SIZE**  
**\$189**  
 Installed

**WARRANTY**  
 Simply The Best For Less  
 All For FREE in home estimate  
**352-375-1444**  
 LINCWOOD 148716  
**WORLDWIDE.COM**

**OVERWHELMED?**  
 Money trouble? Depressed? Abused?  
 Child care concerns? Legal issues?

Whatever has you weighed down we can help.  
 To get or give help, dial: **211**

Get Connected Get Answers  
 North Central Florida  
 United Way  
 352-357-4656

**PUBLIC NOTICE**

A neighborhood workshop will be held to discuss a rezoning to PD Planned Development of an "Auto Town Center" on 18 acres located on the NW corner of N Main St. and NE 39th Avenue. 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 Wednesday, May 16th, 2007 at 6:30 pm at the Mazda Dealership, 4025 N. Main Street, Gainesville FL. Contact person: Mark Shelton (904) 861-2103

**DIAMOND IDEAS**  
 KLAUS  
 Fine Jewelry  
 1001 S.W. 11th Street, Suite 100  
 Gainesville, FL 32609  
 (352) 375-2720

**Women's Fashions**  
**MOTHER'S DAY**  
**PERFECT GIFTS**

expenses reported a  
 higher on  
 into periodic  
 sank 92 pe  
 Tuesday it  
 100-1000000

NEW YORK — Sirius Satellite Radio Inc. on Tuesday

**MOBILE TV**

blamed for the Sudan Investment Task Force has drawn a list of companies to pressure around investors are to withdraw Sudan. Campaigners are also encouraging investors to pressure Sudanese companies to withdraw Sudan. Campaigners are also encouraging investors to pressure Sudanese companies to withdraw Sudan.

millions in Darfur with drawing from Sudan was a milestone. For those hoping to stop the violence in Darfur with drawing from Sudan was a milestone.

The task force will report its findings to lawmakers by no later than Jan. 31 of next year — roughly a month before the 2008 legislative session begins.





**FLORIDA DEPARTMENT OF STATE**

**CHARLIE CRIST**  
Governor

**KURT S. BROWNING**  
Secretary of State

June 6, 2007

Alson Long  
TERRA-COM Environmental Consulting, Inc  
409 NW 136<sup>th</sup> Terrace  
Newberry, FL 32868  
Fax: 352-332-3838

Dear Ms. Long:

In response to your inquiry of June 6, 2007, the Florida Master Site File lists no previously recorded cultural resources in the following parcel:

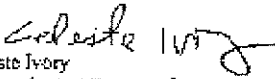
**T09S, R20E, Section 21**

In interpreting the results of our search, please remember the following points:

- Areas which have not been completely surveyed, such as yours, may contain unrecorded archaeological sites, unrecorded historically important structures, or both.
- As you may know, state and federal laws require formal environmental review for some projects. Record searches by the staff of the Florida Master Site File do not constitute such a review of cultural resources. If your project falls under these laws, you should contact the Compliance Review Section of the Bureau of Historic Preservation at 850-245-6333 or at this address.

If you have any further questions concerning the Florida Master Site File, please contact us as below.

Sincerely,

  
Celeste Ivory  
Archaeological Data Analyst,  
Florida Master Site File  
Division of Historical Resources  
R. A. Gray Building  
500 South Bronough Street  
Tallahassee, Florida 32399-0250

Phone: 850-245-6440  
Fax: 850-245-6439  
Email: [sitefile@doh.state.fl.us](mailto:sitefile@doh.state.fl.us)  
Web: <http://heritage.com/preservation>  
<http://dnr.dos.state.fl.us/comments/>

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6133  
[www.dos.state.fl.us](http://www.dos.state.fl.us)

TJH: P, RP

## **EXHIBIT "C"**

(Due to bulk and size, Exhibit "C" is not attached, but is on file in the Office of the Clerk of the Commission.)

**EXHIBIT "D"**

**ALLOWABLE USED IN THE GAINESVILLE AUTO CENTER PLANNED DEVELOPMENT**

Uses subject to the owner/developer timely making application for a Wellfield Special Use Permit and obtaining approval and permits as required by the Land Development Code.

- a. Eating places
- b. Educational Services
- c. Automotive dealers, gasoline service stations and fuel dealers
- d. Automotive repair, services and parking
- e. Carwashes
- f. Outdoor Cafe
- g. Gasoline service stations including the sale of alternative fuels for automobiles.
- h. Any accessory use customarily incidental to a permitted principal use

## **EXHIBIT "E"**

(Due to bulk and size, Exhibit "E" is not attached, but is on file in the Office of the Clerk of the Commission.)