

071066

ORDINANCE NO. 991267
0-00-69

An Ordinance of the City of Gainesville, Florida; rezoning certain lands within the City and amending the Zoning Map Atlas from "RSF-1: 3.5 units/acre single-family residential district" to "Planned Development District"; located in the vicinity of 2500 block of Northwest 39th Avenue, south side, to be known as "Walnut Creek"; adopting a development plan report and development plan maps; providing additional conditions and restrictions; providing for penalties; providing a severability clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that certain lands within the City be rezoned from "RSF-1: 3.5 units/acre single-family residential district" to "Planned Development District"; and

WHEREAS, notice was given and publication made as required by law of a Public Hearing which was then held by the City Plan Board on April 20, 2000; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on May 22, 2000; and

WHEREAS, the City Commission finds that the amendment of the Planned Development District ordinance is consistent with the City of Gainesville 1991-2001 Comprehensive Plan.

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

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

4 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
5 CITY OF GAINESVILLE, FLORIDA:

6 Section 1. The following described property is rezoned from "RSF-1: 3.5
7 units/acre single-family residential district" to "Planned Development District";

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

11 Section 2. The City Manager or designee is authorized and directed to make the
12 necessary change in the Zoning Map Atlas to comply with this Ordinance.

13 Section 3. The Development Plan attached to this Ordinance which consists of
14 the following:

- 15 1. the development plan report entitled "Walnut Creek Planned
16 Development", dated September 28, 2000, attached and identified as Exhibit "B";
17 and
- 18 2. development plan maps consisting of 8 sheets: 1) "Legal Description", dated July
19 25, 2000, revised September 28, 2000; 2) Boundary Survey and Minor Subdivision, Book
20 22 Page 33, dated June 28, 2000; 3) "Surrounding Area", revised August 22, 2000; 4)
21 "Planned Development Map" revised August 22, 2000; 5) "Pedestrian Circulation",
22 revised July 25, 2000; 6) "Traffic Circulation", revised July 25, 2000; 7) "Soils Map",
23 revised July 25, 2000; and 8) "Topographical and Tree Survey", revised August 21, 2000;

1 identified as Exhibit "C"; are incorporated and made a part of this Ordinance as if set
2 forth in full. The terms, conditions, and limitations of the Development Plan shall
3 regulate the use and development of the land described herein zoned to the category of
4 Planned Development District as provided in Chapter 30, Land Development Code of the
5 City of Gainesville (hereinafter referred to as "Land Development Code"). In the event of
6 conflict between the provisions of the development plan report (Exhibit "B") and the
7 development plan maps (Exhibit "C"), the provisions, regulations, and restrictions of the
8 development plan maps (Exhibit "C") shall govern and prevail.

9 Section 4. The following additional conditions, restrictions and regulations shall apply to
10 the development and use of the land:

- 11 1. A maximum of 138 single-family dwelling units shall be permitted in the Planned
12 Development.
- 13
14 2. The common areas, stormwater basins, roadway configuration, alleys, lot configurations
15 and building setbacks shall be designed to maximize the preservation of heritage trees as
16 identified on Sheet 4 of Exhibit "C". In areas where heritage trees are located, lot lines
17 shall be varied as necessary in order to arrange the building envelopes to avoid heritage
18 trees. The City arborist shall inspect the lot, roadway, and stormwater basin configuration
19 in the field prior to design plat and final plat approval. These inspections shall be to
20 determine that the trees shown on the "Arborist Tree Evaluation & Gopher Tortoise
21 Map", Exhibit "D" have been arranged as close to lot lines as possible in order to be
22 outside the building envelopes, and that trees are protected by the proposed grading and
23 paving plan. No lot shall be less than 36 feet in width.
- 24
25 3. There shall be no exceptions to Table 600 "Fire Resistance Ratings" of the Standard
26 Building Code, nor shall any portion of a building overhang any property line.
- 27
28 4. A driveway connection from Parcel B to Parcel C may be constructed in accordance with
29 the easement shown on Sheet 2 of Exhibit "C". No access to Parcel D is required from
30 within the planned development.
- 31
32 5. A design plat shall be adopted within one year from the adoption of approval of the
33 planned development ordinance. A final plat or conditional plat shall be adopted within

1 one year of the approval of the design plat. A one year extension from this time limit may
 2 be granted by the city commission upon application filed by the owner/petitioner prior to
 3 the expiration of the one year period and upon good cause shown by the owner/petitioner.

4 The design plat and final plat process shall implement requirements. All proposed
 5 streets shall be dedicated to the City of Gainesville as right-of-way on the subdivision
 6 plat. Bonds for public improvements shall be in accordance with § 30-186 of the Land
 7 Development Code. The owner/developer shall dedicate an easement over, across and
 8 through the alleys in the development for emergency access, maintenance of public
 9 utilities and garbage collection. (See Sheet 3 of Exhibit "C".) All public roadways
 10 shown on the PD Layout Plan, Sheet 3 of Exhibit "C" shall be fully constructed and
 11 accepted by the City within 18 months from final or conditional plat approval of any part
 12 of the proposed planned development.
 13

14 6. Prior to any development on the site a gopher tortoise mitigation plan shall be approved
 15 by the Florida Fish and Wildlife Conservation Commission and submitted to the
 16 Community Development Director.
 17

18 7. Prior to final plat approval the owner/developer shall enter into a development agreement
 19 or contract with the City for the provision of the standards acceptable to the Departments
 20 of Community Development and Public Works, as provided in Policy 1.1.6 of the
 21 Concurrency Management Element of the City of Gainesville Comprehensive Plan.
 22

23 8. A homeowner's association shall be formed by owner/developer and the association
 24 documents shall provide for the maintenance of the common areas and fences (see
 25 paragraph 14) by the property owners. The documents shall be reviewed by the City
 26 Attorney to determine whether the maintenance of the common areas is adequately
 27 provided. The common area shall consist of all areas labeled as common area on the
 28 Planned Development Map, including all alleys. (See Sheet 4 of Exhibit "C".)
 29

30 9. There shall be three roadway connections from the Planned Development to existing
 31 public streets, as shown on Sheet 6 of Exhibit "C", more specifically described as
 32 follows:
 33

- 34 a. A new intersection with Northwest 39th Avenue, approximately 420 feet from the
 35 northeast corner of the subject property;
 36
 37 b. a new intersection with Northwest 31st Boulevard, approximately 100 feet from
 38 the southeast corner of the subject property; and
 39
 40 c. a continuation of the Northwest 27th Street at the northern end of the Hidden Pines
 41 development.
 42

- 1 10. All public streets within the planned development shall be designed with travel lanes 10
 2 feet in width and sidewalks shall be 5 feet in width with a 5 foot landscape strip on both
 3 sides of the streets. Parking lanes shall be on two sides of each 60 foot roadway (32 feet
 4 paved width plus curb and gutter) and one side of each 50 foot roadway (26 feet paved
 5 width, plus curb and gutter), as shown on Sheet 6 of Exhibit "C".
 6
- 7 11. For each two lots, if practicable, driveways serving the lots shall be at the common
 8 property line or separated by a maximum of 2 feet in order to maximize on-street parking
 9 area.
 10
- 11 12. The transition from entry roadway to roadway with on-street parking shall be curbed in
 12 order to provide protected areas for on-street parking.
 13
- 14 13. The planned development shall be governed by the following design requirements:
 15
- 16 a. At least seventy percent of the homes shall have front porches. Front porches
 17 shall be a minimum of 8 feet in depth.
 18
 - 19 b. Garages, which are accessed from the front, shall set back a minimum of 20 feet
 20 to the rear of the front porch or the front facade of the house, whichever is closer
 21 to the street. All other garages shall be accessed from the alley.
 22
 - 23 c. Houses shall be of a traditional design, with gabled roof, or hip roof. Windows
 24 and window subdivisions (lights) shall be rectangular with vertical proportion.
 25 Additionally, windows may be circular, rounded top or hexagonal.
 26
 - 27 d. Homes will have brick, stone, wood, stucco, textured concrete, fiber cement, or
 28 cement-impregnated siding on exteriors walls.
 29
- 30 14. Additional alleys may be allowed as part of the design plat approval process. Alleys that
 31 abut property outside the planned development shall have a 6 ft. pressure treated fence
 32 along such alley except where such 6 ft. pressure treated fence currently exists on an
 33 adjacent property line. The homeowner association shall maintain in good condition said
 34 and add additional fencing, if any of the existing fences are removed or dilapidated, in
 35 order to maintain a continuous unbroken line of fence along the alley.
 36
- 37 15. Except as expressly provided herein, the use, regulations and development of the property
 38 shall be governed as if this land were zoned "RSF-1: 3.5 units/acre single-family residential
 39 district", Land Development Code.
 40
- 41 Section 5. Any person who violates any of the provisions of this ordinance shall be
 42 deemed guilty of a municipal ordinance violation and shall be subject to fine or imprisonment as

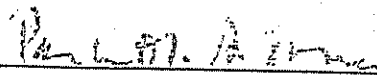
1 provided by section 1-9 of the Gainesville Code of Ordinances. Each day a violation occurs or
2 continues, regardless of whether such violation is ultimately abated or corrected, shall constitute
3 a separate offense.

4 Section 6. If any section, sentence, clause or phrase of this ordinance is held to be invalid
5 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
6 the validity of the remaining portions of this ordinance.

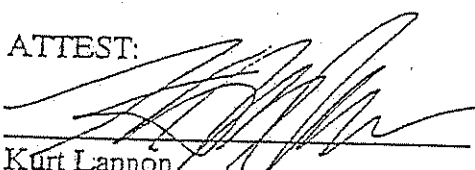
7 Section 7. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
8 such conflict hereby repealed.

9 Section 8. This ordinance shall become effective immediately upon final adoption.

10
11 PASSED AND ADOPTED this 9th day of October, 2000.

12
13 
14 _____
15 Paula M. DeLaney, Mayor

16 ATTEST:

17 
18 _____
19 Kurt Lannon,
20 Clerk of the Commission

21 APPROVED AS TO FORM AND LEGALITY:

22 
23 _____
24 Marion J. Radson, City Attorney

OCT 11 2000

25 This ordinance passed on first reading this 25th day of September,
2000.

This ordinance passed on second reading this 9th day of October,
2000.

LEGAL DESCRIPTION

071066

PARCEL "C"

A TRACT OF LAND SITUATED IN SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST, ALACHUA COUNTY, FLORIDA, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE AFOREMENTIONED SECTION 25, TOWNSHIP 9 SOUTH, RANGE 19 EAST FOR THE POINT OF REFERENCE AND RUN S.00°57'04"E.. ALONG THE WEST LINE OF SAID NORTHEAST 1/4, A DISTANCE OF 50.15 FEET TO THE SOUTH RIGHT OF WAY LINE OF N.W. 39th AVENUE (100 FOOT RIGHT OF WAY); THENCE RUN N.89°34'14"E., ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 440.13 FEET TO A CONCRETE MONUMENT (STAMPED PRM LS #3784) AND THE TRUE POINT OF BEGINNING; THENCE CONTINUE N.89°34'14"E.. ALONG SAID SOUTH RIGHT OF WAY LINE, A DISTANCE OF 880.35 FEET TO A CONCRETE MONUMENT (STAMPED: PRM L.S. #3784) AT THE NORTHWEST CORNER OF PALM GROVE SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "T", PAGE 52 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA; THENCE RUN S.00°56'22"E., ALONG THE WEST LINE OF SAID PALM GROVE SUBDIVISION, A DISTANCE OF 1003.31 FEET TO A CONCRETE MONUMENT (STAMPED: PRM PLS #4788) AT THE SOUTHWEST CORNER OF SAID PALM GROVE SUBDIVISION ALSO BEING THE NORTHWEST CORNER OF PALM GROVE PHASE 2 A SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "U", PAGE 47 OF SAID PUBLIC RECORDS; THENCE RUN S.00°59'33"E., ALONG THE WEST LINE OF SAID PALM GROVE PHASE 2 AND ALONG A SOUTHERLY PROJECTION THEREOF, A DISTANCE OF 1524.14 FEET TO A CONCRETE MONUMENT (STAMPED: PRM PLS #4788) ON THE NORTH RIGHT OF WAY LINE OF N.W. 31st AVENUE (100 FOOT RIGHT OF WAY); THENCE RUN S.89°35'16"W., ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 150.01 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN N.00°59'33"W., A DISTANCE OF 225.01 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN S.89°35'16"W., A DISTANCE OF 246.28 FEET TO A CONCRETE MONUMENT (STAMPED: PRM LS #3784); THENCE RUN N.01°00'31"W., ALONG THE SOUTHERLY PROJECTION OF THE EAST LINE OF HIDDEN PINES SUBDIVISION AS PER PLAT RECORDED IN PLAT BOOK "H", PAGE 63 AND ALONG SAID EAST LINE, A DISTANCE OF 1561.80 FEET TO A CONCRETE MONUMENT (NO IDENTIFICATION) AT THE NORTHEAST CORNER OF LOT 74 OF SAID HIDDEN PINES SUBDIVISION; THENCE RUN S.89°30'39"W., ALONG THE NORTH LINE OF SAID HIDDEN PINES SUBDIVISION, A DISTANCE OF 490.57 FEET TO STEEL ROD AND CAP (STAMPED: L.B. #6578) AT THE NORTHEAST CORNER OF LOT 1 OF SAID HIDDEN PINES SUBDIVISION; THENCE RUN N.00°22'59"W., A DISTANCE OF 741.01 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 30.021 ACRES MORE OR LESS.



07 10 66

CAMEO DEVELOPMENT

CORPORATION

3600 NW 43rd St., Suite C-1
Gainesville, Florida 32606-8127

September 28, 2000

Walnut Creek Planned Development

Purpose and Intent

This proposed Residential Planned Development (PD) is submitted as a neo-traditional neighborhood development of single family detached homes. The development follows the guidelines set forth in the Land Development Code under Sections 30-211, 30-213, and 30-216. The development will be named Walnut Creek and is in conformance with the current comprehensive plan which proposes unique designs that are not currently available in the Gainesville area. The majority of the homes will be directly across from each other to offer a more traditional neighborhood theme. This concept will provide moderately priced homes with brick and stucco exteriors and modern elevations with approximately 70% of the homes having front porches with a minimum depth of 8 feet that will be oriented to the neighborhood tree lined streets and approximately 60% with rear alley access. Garages, which are accessed from the front, shall be set back a minimum of 20 feet to the rear of the front porch or the front façade of the house, whichever is closer to the street. All other garages shall be accessed from the alley. Trees will also be planted along sidewalks to compliment the existing heritage oaks to further enhance the appearance. There will be residences that have on street parking; however, most of the homes will access their garages from the rear to further eliminate congestion of vehicles. Common areas have been carefully positioned to further preserve tree canopies and road layouts.

- A. We have addressed the efforts of tree preservation by varying the lot widths and depths by overlaying the trees on the site plan. The lot sizes and setbacks are as follows:

Lot Widths	36 Feet to 40 Feet	Above 40 Feet
Minimum yard setback:		
Front	10 Feet	10 Feet
Side	3.5 Feet	4 Feet
Rear	10 Feet	10 Feet
Minimum lot depth	100 Feet	100 Feet

- B. The subdivision plat submittal will address the regulated trees and any additional buffers and preservation.
- C. A minimum lot dimension would be 36' x 100'.

Walnut Creek development meets the Concurrency requirements of the newly adopted Transportation Concurrency Exception Area (TCEA) and will fund the eight (8) mitigation requirements as set forth in The Concurrency Management Element Goals, Objectives and Policies under policy 1.1.6 items (A through W).

Internal Compatibility

Each home will have a garage that is accessible from the front street or a rear alley way. Alleys have been designed with a 20' width of which there will be a 10' asphalt roadway and a 5' clear area on the side abutting the homesites. Alleys will have one way traffic and have accommodated the turn radius for the trash pick up vehicles. A 6-foot pressure treated fence shall buffer alleys from any adjacent residential lots that are not within the planned development. The design of alleys will maximize the preservation of trees along the boundaries of the PD. On street parking is proposed and one-way traffic in the alley ways will be necessary to allow for safety and positive flow patterns through alleys and rear access to homes. Two lane traffic will provide the main circulation from NW 39th Avenue to NW 31st Avenue by way of 60' right-of-way. There is also a connection of two-way traffic from NW 39th Avenue to the Hidden Pines Subdivision on NW 27th Street. Residents from surrounding subdivisions can enjoy bicycle and pedestrian access to common areas and improvements through the internal roadway and sidewalk system. The main entrances at NW 39th Avenue and NW 31st Avenue will be professionally planned, landscaped, and maintained so as to maintain consistency with the adjacent communities.

External Compatibility

Mass Transit services will be provided by the City of Gainesville's Regional Transit System (RTS) by means of Route 8 via NW 39th Avenue. RTS has an existing transfer station in front of the proposed Walnut Creek which will provide easy accessibility for residents to utilize mass transit services. This route has ample capacity to accommodate the new residents within this development. The developer also proposes the construction of a new bus shelter at NW 39th Avenue as part of the TCEA mitigation requirements.

Intensity of development

The proposed Walnut Creek site development recommendation of 4.6DU/Acre is consistent with the comprehensive plan and is in line with the neo-traditional concept of an in-fill project. This project will reduce the pressures of urban sprawl by providing urban in-fill development and increase urban connectivity between NW 39th Avenue and NW 31st Avenue and is compatible with the surrounding neighborhoods.

Common Area

Walnut Creek is located across NW 39th Avenue from the city's Spring Tree Park and approximately six tenths of a mile east of the city's Green Tree Park. In addition, the proposed open space and recreation areas will be available to the adjacent neighborhoods by pedestrian

sidewalks and streets within its property lines. Large heritage oak trees are abundant on the property and the developer will be utilizing its best efforts of preservation for lot coverage, streetscapes, landscape buffering and open-space recreational area canopies.

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Environmental constraints

The heritage trees have been identified and overlaid on the site plan. All roadways have been carefully designed in an attempt to save trees and capitalize on their beauty. We have noted on the plans that the lot designs and right of ways will address the preservation of all tree canopies where necessary. All lots directly adjacent to the Hidden Pines subdivision will have minimum 60' width. The proposed PD has a linear retention pond separating Hidden Pines and any adjoining lots. The proposed PD will have a fence and landscape buffering wherever the alleys abut adjoining properties. Also we will maximize all existing foliage to further enhance the development. Walnut Creek is not in a Flood Zone and none exists on the site. The surface water and wetlands district are not affected by the proposed development and the development is not located near or within a nature park, greenway, wellfield or wetland district. The soil composition make up is consistent with millhopper sand, wachula sand, and arrendondo fine sands.

Arrendondo sand is found in nearly level to gently sloping upland areas with 0 to 5 percent gradients. It is well drained soil with a rapid permeability rate in the surface and subsurface layers. Moderately rapid in the upper six inches of the subsoil. The water table is at a depth of more than 72 inches.

Millhopper sand is found in gently sloping areas with a 0 to 5 percent gradient. It is moderately well drained soil with a permeability rate in the surface and subsurface layers. Moderately rapid in the upper six inches of subsoil and slow to moderately slow below this depth. The water table is at a depth of 40 to 60 inches for one to four months and at a depth of 60 to 72 inches for two to four months during the year.

Wachula sand is found nearly level. Poorly drained soil is in broad areas of the flatwoods. Slopes are nearly smooth and range from 0 to 2 percent. This soil has a water table that is at a depth of less than 10 inches for one to four months and is at a depth of 10 to 40 inches for about six months. During the driest seasons the water table recedes to a depth of more than 40 inches. Permeability is moderately rapid to rapid in the surface and subsurface layers. Moderate to moderately rapid in the upper part of the subsoil and slow to moderately slow in the upper part. The slope on the site ranges from zero to .66% with an average off .36%.

There are no lakes, creeks, wetlands, or other prominent Topographic features on the site. The storm water drainage systems are being designed to consist of a system of dry retention basins designed to meet the requirements and standards of the City of Gainesville and the St. Johns River Water Management District. The existing topography of the site consists of very gently sloping land towards the western boundary where the basins will be located and the seasonal high ground water table should not impact the design of the system. The collection of all surface water run off will be contained on the site.

External and Internal Transportation access

Walnut Creek has three access points. The main entrances at the north boundary from NW 39th Avenue approximately 420 feet from then northeast corner of property line. The secondary access point is at the southern most boundary off NW 31st Avenue approximately 100 feet from the southeast corner of the property. The third access point is located at the northern boundary of the Hidden Pines Subdivision of NW 27th Street. Walnut Creeks layout will have approximately 138 single family detached dwelling units that will generate 1388 Average Daily Trips (ADT).

1. Petition 142SUB-00 DB Kelley Engineering, Inc., agent for Luther E. Blake, Jr. and Irene Blake Caudle. Design plat review for 138 lots on 30.021 acres MOL, Walnut Creek. Zoned: PD (planned development district). Located in the 2500 block of Northwest 39th Avenue, south side.

Ms. Carolyn Morgan was recognized. Ms. Morgan indicated that the petition involved a design plat review and was subject to the zoning ordinance for the Walnut Creek Planned Development adopted on October 9, 2000. She indicated that the petition was submitted to staff in September, 2000, continued in October, 2000 and withdrawn from the agenda in November, 2000. She presented a drawing of the adopted PD layout plan for the development and pointed out some of the features of the PD ordinance. She explained that the preliminary plan for design plat would go forward to construction phase drawings with Gainesville Regional Utilities (GRU), the Public Works Department, the Alachua County Environmental Protection Department (ACEPD) and City Planning. She explained that the design plat would go to the City Commission for a hearing and approval. She indicated that the final plat would go back to the City Commission for adoption.

Mr. Jerome Kelly, agent for the petitioner, was recognized. Mr. Kelly presented a drawing of the proposed design plat and described it and the surrounding area in detail. He noted that there were many heritage oak trees on the site and he had worked with the City Arborist to preserve as many trees as possible. He discussed the paving, drainage plans, traffic access and street connections to NW 39th Avenue, NW 31st Avenue, and NW 27th Street. He offered to answer any questions from the board.

Mr. Borden asked if the proposed fencing would only be along areas where an alley abutted other properties.

Mr. Kelly explained that the fencing would be along the property line where it abutted single-family residences, unless a fence already existed in those areas. He noted that there would be no fences where there were retention areas. He explained that the retention areas would act as a buffer.

Mr. Layon, referring to a letter from the ACEPD, asked if there were any hazardous materials on the site and how they would be handled. He also asked if Mr. Kelly had spoken to the neighborhood organizations in the area.

Mr. Kelly explained that there had been no meetings with the neighborhood organizations, but a notice had been sent out requesting their preferences on sidewalks and other concurrency issues. Regarding hazardous materials, he indicated that he knew of none except that there was a used LP gas tank on the site which would be removed and properly disposed of. He pointed out that the survey referred to the tank as an underground tank, but it was actually an LP gas tank.

Mr. Layon asked if Mr. Kelly planned on conversing with the neighborhood organizations about the development.

Mr. Kelly indicated that, if there was an opportunity to do so, he would. He explained that, as the plan progressed, there might be meetings.

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Mr. Boyes asked about the location of the water well that was of concern to ACEPD. He also asked about the previous use of the well.

Mr. Kelly pointed out the location on the drawing. He explained that he was unsure of the use since the well had been in place for many years. He indicated that the petitioner proposed to use the well for irrigation, if possible.

Mr. Boyes noted that the plan proposed dry retention basins and the elevations of those basins had a depth of about six feet.

Mr. Kelly indicated that the high end of one basin would be six feet, but the lower end would be four feet deep. He explained that the soil in the area was very good. He noted that borings and permeability tests had been performed.

Mr. Boyes asked when the water table was measured.

Mr. Kelly indicated that it was done last year. He pointed out that the seasonal high water table was also noted on the plans.

Mr. Boyes stated that his concern was the location of the basins adjacent to other properties. He asked what impact the basins would have on the water table beneath adjacent houses. He indicated that it seemed possible that the proposed basins would place a significant volume of water in the ground and elevate the water table in the immediate vicinity of the closest houses.

Mr. Kelly explained that the issue would require more investigation by the engineers. He suggested that there wouldn't be any impact because of the nature of the sand.

Mr. Boyes pointed out that the proposed development was very large and the basins were small.

Mr. Kelly indicated that the basins were designed for the 100-year event according to City regulations and the St. John's River Water Management District's treatment volume requirements.

Mr. Boyes asked if dry retention basins were not possible, could a wet system be used.

Mr. Kelly expressed doubts about a wet detention system. He explained that the normal pool would not be high enough to allow a wet system.

Mr. Boyes suggested that the pools could be lined.

Mr. Kelly indicated that he believed lining the pools would have greater impact on the groundwater.

Mr. Boyes disagreed. He stated that, if a pool were lined, it would not impact the groundwater.

Mr. Kelly pointed out that it would prevent the normal discharge into the groundwater.

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

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Mr. Boyes stated that he had a concern about the impact of a rising water table on lots 66 through 76 in the adjacent Hidden Pines Subdivision. He indicated that the matter needed to be taken into consideration in the stormwater permitting process.

Chair Polopolus asked how the impact to those lots would be measured.

Mr. Boyes explained that the petitioner would have provide some type of modeling to project impact. He explained that when the water table was measured was a concern. He explained that, if it were measured during a dry time, it could rise during a normal wet season. He suggested that the basins were too close to adjacent houses and there could be an impact to that property.

Mr. Bailey asked if Mr. Kelly had contacted the Water Management District regarding permitting or other issues that had been brought to the board.

Mr. Kelly indicated that contact with the Water Management District would come later in the development process, when the construction plans were completed. He explained that the site did have good soil. He reiterated that the plans would have to satisfy the City's Public Works Department and the Water Management District.

Mr. Boyes pointed out that the plan proposed moving water to someone else's property. He suggested that, if the basins were in the middle of the property, there wouldn't be a potential impact to an adjacent development. He explained that, according to the plan, the basins were on the borderline of the water level indicated on the project. He noted that the water table occurred about six feet below the ground surface; the basins approached six feet below ground surface; and were relatively small compared to the total size of the property. He explained that, since a great deal of water would enter the basins, because of the percolation rate of the sand, the water table would rise up in close proximity to the basins.

Mr. Kelly pointed out that the six-foot depth was only on one end of one of the basins. He explained that the normal average depth was less than five feet.

Mr. Boyes noted that Mr. Kelly was indicating a water level six feet below the ground surface during a drought.

Mr. Kelly stated that he would confer with WMD, the engineers of record on the project, on the issue.

Chair Polopolus asked how the proposed wood fencing would be maintained after it was installed.

Mr. Kelly indicated that the homeowners association would be responsible for the fencing.

Mr. Bailey noted that, while Mr. Kelly had stated that there was no clay on the site, the borings did show clay at the seasonal high water table.

Mr. Kelly explained that there was no clay within two to three feet.

Mr. Bailey pointed out that, when the basin was excavated, it could possibly sit directly on the clay layer and, therefore, would not percolate.

Mr. Boyes explained that he worked a project across the street where there was a problem with the stormwater basins and clay. He noted that those basins would not percolate correctly at a development relatively near the subject site. He stated that there would be a water table problem.

Ms. Morgan indicated that the petition involved a preliminary plan, a design plat. She explained that the petitioner would have to provide engineering drawings of the stormwater system at the level discussed by Mr. Boyes and apply for permits from the Water Management District. She pointed out that, if it was determined that the stormwater system would not function properly in the proposed configuration, the plat would be redesigned and returned to the board for approval. She explained that the final plat had to be similar to the design plat when it was adopted. Ms. Morgan indicated that, except for the review of minor traffic circulation problems, the Public Works Department had approved the design plat as submitted. She noted that the design plat would be required to meet the 100-year critical duration storm event and require a St. John's River Water Management District stormwater permit. She indicated that the stormwater treatment volume must be recovered in 72 hours. Ms. Morgan reviewed staff comments from other departments. She indicated that Ordinance 991267 was the governing ordinance for the PD. She explained that the ordinance allowed 138 single-family dwelling units, specified lot layout and size and location of stormwater basins. She stated that the plan was consistent with the original adopted Planned Development. Ms. Morgan indicated that planning staff had an issue with the configuration of lots 108 and 109 which contained three grand live oak trees with a very lateral spreads. She pointed out that the PD brought the common area up to a point, but the trees, even on the lot line, spread across the two lots. She stated that it was planning staff's recommendation that lots 108 and 109 become a part of the common area. She indicated that the spread of the tree limbs was so close to the ground that placing a house on the lot would not protect the trees. She noted that protection of the trees required both lots. She explained that staff did try to work the matter out with the petitioners. Ms. Morgan noted that staff was concerned about the rounded corners of some of the lots. She indicated that the site was fully wooded and staff would be looking at the preservation of more of those trees during the construction phase. She indicated that the PD ordinance did not provide for a phased plan as proposed by the petitioner, but the petitioner could request an extension from the City Commission when the plan was presented. Ms. Morgan offered to answer any questions from the board.

Mr. Layon asked if there was an underground tank on the site.

Ms. Morgan indicated that there was an existing tank on the site and the petitioner has indicated that it was an LP gas tank. She explained that the petitioner would have to remove the tank according to Alachua County requirements. She noted that it was shown on the survey as an underground tank.

Chair Polopolus explained that the board understood from Mr. Kelly's testimony that it was shown as an underground tank on the plan, but was actually an above ground tank.

Mr. Kelly stated that the tank was underground.

Mr. Boyes indicated that he had a concern about the water table impact on the adjacent Hidden Pines Subdivision. He asked how could the concern would be addressed.

Ms. Morgan explained that the concern would be addressed in the minutes conveyed to the City Commission. She noted, however, that the concern would also be examined in detail in the construction phase of the project. She pointed out that, the only thing required in the present plans was soil borings, and the actual engineering work was done in the construction phase of the project. She reiterated that, if the basins shown were not adequate and the design plat changed significantly, it would come back before the board.

Mr. Boyes indicated that his concern was that, while the stormwater could go in the basins as designed, the water table on the adjacent properties might rise up to near land surface.

Mrs. Morgan indicated that the Public Works Department and Water Management District would be reviewing the design of the stormwater system.

Mr. Kelly pointed out that he had to demonstrate to Public Works and the Water Management District that the basins would dry up within 72 hours.

Chair Polopolus asked if it was staff's recommendation that lots 108 and 109 be removed to save heritage trees on the lot.

Ms. Morgan stated that staff had worked and would continue to work with staff on the matter. She noted that, while the trees were on lot lines, they were very lateral and low to the ground. She pointed out that the drip line of the trees was the width of both of the lots. She reiterated that it was staff's recommendation that the lot lines be amended and the trees become part of the common area.

Mr. Bailey suggested that the alleys shown on the plans looked like major traffic arterials. He asked how the configuration would work.

Ms. Morgan discussed the alleyways and how turn-a-rounds would take place. She noted that there was a hammerhead turn which would allow for fire trucks.

Mr. Bailey asked if the alleys would be posted with signs to prevent general traffic movement.

Ms. Morgan explained that the alleys were private property and the petitioner could provide signs that indicated them as such. She indicated that staff could make the condition in the construction phase of the plan.

Chair Polopolus noted that Ms. Morgan stated that it would continue to be staff's recommendation that lots 108 and 109 become common area to save the heritage oaks. She asked if the recommendation was written in the staff report.

Ms. Morgan explained that the recommendation was in an earlier report, but not in the current one.

Chair Polopolus asked, if the board voted to recommended that the lots become common area, would it appear in the report.

Ms. Morgan indicated the board would have to act upon the recommendation as verbally stated by staff in the record of the present meeting.

Mr. Layon asked why staff would make a recommendation and not include it in the report.

Ms. Morgan explained that staff had worked with the petitioners on two different ways of amending the lot lines to place a house on a lot without damaging the trees. She noted that the petitioner did make lots larger, which allowed the houses to move away from the trees, but staff still recommended that the area become common area.

Mr. Borden noted that one recommendation involved an oak in one of the drainage basins. He asked, if soil were left around that tree to save it, would that space have to be recouped somewhere else.

Ms. Morgan indicated that it would if the volume was critical to drainage. She reiterated that the basins were part of a preliminary plan and the calculations were in the construction plan phase of the project.

Mr. Boyes asked if the petitioner could accept a condition on the petition that the stormwater plan may not cause a water table rise at anytime within 18 inches of land surface on adjacent properties.

Mr. Kelly pointed out that the plan had to meet City and Water Management District requirements for a 100-year critical event. He stated that those requirements should cover the board's concern.

Mr. Boyes indicated that he did not believe a water table rise on adjacent property was in those regulations.

Mr. Kelly pointed out that there was a requirement that the water not mound. He indicated that no one present could state that the water would not rise to 18 inches below the ground at the property line.

Mr. Boyes stated that he referred to adjacent properties.

Mr. Kelly stated that there was no way to address the issue at the present stage of the development but they would be addressed in the permitting phase.

Mr. Boyes explained that, by requesting that the board place the condition on the approval, would indicate that the issue would be reviewed.

Mr. Kelly indicated that he did not believe the board could tie the petitioner to conditions beyond the normal permitting process.

Mr. Boyes explained that the issue was one of nuisance. He indicated that he would like to see a recommendation on the approval of the petition that the matter was reviewed.

Mr. Kelly indicated that he could accept the recommendation. Regarding lots 108 and 109, he requested the opportunity to continue to discuss the situation with the Arborist and Ms. Morgan.

Chair Polopolus opened the floor to public comment.

Mr. Fredrick Peterkin was recognized. Mr. Peterkin requested that the PUD be delayed or some condition attached to ensure that there would be no damage to structures on lots next to the retention ponds.

Mr. Richard Murphy, resident of Hidden Pines Subdivision, was recognized. Mr. Murphy indicated that in previous rainy seasons there was some sheet flow of water into NW 27th Street.

Mr. John Dame, resident of Hidden Pines Subdivision, was recognized. Mr. Dame indicated that his home was on one of the lots adjacent to one of the proposed retention basins. He cited a concern about a rise in the water table near his home. He discussed a meeting held with the Public Works Department the previous evening. Mr. Dame read a statement regarding the concerns about an increase in traffic on Glen Springs Road. He asked if the proposed connection between the Walnut Creek Subdivision and the Hidden Pines Subdivision could be stopped.

Chair Polopolus explained that the connection was written in the ordinance and the board had no control over the matter.

Ms. Mary Williams was recognized. Ms. Williams noted that the original September 28, 2000, PUD report mentioned brick and stucco exteriors for the homes in Walnut Creek. She pointed out that the report before the board mentioned brick, stone, wood, stucco, textured concrete, fiber cement or cement approved siding. She asked if the board was accepting the new construction elements.

Ms. Morgan explained that the other construction materials were placed in the ordinance at the time of adoption by the City Commission.

There was discussion of traditional neighborhood design.

Chair Polopolus closed the floor to public comment.

Mr. Layon indicated that he had asked if the neighborhood associations had been contacted on the development and was told that they had not. He indicated that he would be concerned if the board did not add conditions to the petition regarding the retention ponds and discussions with the neighbors around the site.

Chair Polopolus noted that the board was dealing with an existing PD ordinance.

Mr. Layon indicated that Mr. Calderon had spoken to him with regards to development that would enhance neighborhoods.

Mr. Calderon asked if Mr. Layon was speaking to the health, safety welfare of the community issue.

071066

Mr. Layon indicated that he was speaking to that issue. He suggested that, if a development caused a problem for neighbors who had been in the area for a number of years, he did not see how it could enhance the area. He requested that it be taken into consideration.

Mr. Calderon pointed out that the present meeting was not the first meeting on the petition. He pointed out that the neighbors had been notified of those meetings.

Mr. Layon noted that the petitioner's agent had stated that the neighborhood associations had not been contacted and the neighbors in the audience had stated that they had not been notified. He requested that staff prove that the neighbors had been consulted about the development.

Ms. Morgan explained that the City's notification process required public hearings before the appropriate boards and the City Commission for different stages of development. She pointed out that the Code did not require meetings with neighborhood associations. She noted that, if the petitioner wished to schedule meetings they may, or may not. She explained that the Walnut Creek development involved a Planned Development which went before the City Plan Board then on to the City Commission. She noted that there had been two hearings before the City Commission and the ordinance was adopted in October, 2000. She indicated that the present hearing before the Development Review Board was a scheduled, noticed hearing on the design plat. Ms. Morgan pointed out that the petition would also have another noticed, public hearing before the City Commission for the design plat, and would then return to the City Commission for final plat approval. She reiterated that there were no current requirements in the City Code for any other development process meetings with neighborhoods, therefore, no conditions could be place on petitions to require those meetings. Ms. Morgan explained that the City Commission had shown some interest in requiring developers to meet with the neighbors and staff was working on amending the Code to add language that could potentially require such meetings. She indicated that the Development Review Board and the City Plan Board were citizen boards and their meetings were public meetings held for any project. She noted that concept plans were occasionally brought before the boards but they were at the option of the developer.

Mr. Layon asked how health, welfare and safety were addressed.

Ms. Morgan indicated that health, welfare and safety were addressed in the implementation of the Land Development Code. She explained that the development had to meet the Code requirements and those requirements were designed to meet the health, welfare and safety issues. She noted that stormwater management, hazardous materials, endangered species and other concerns were included in the Code requirements. She explained that the petition involved a design plat to determine if the petitioner's had met the Code requirements.

Mr. Layon indicated that he did not believe it was to the benefit of the developers or the neighborhoods to ignore persons who had lived in that area and were concerned.

Mr. Calderon explained that staff presented a report and made recommendations to the board. He indicated the Board's decision had to be based on the requirements of Code.

071066

Chair Polopolus agreed that the process worked better when the developers made some effort to address neighborhood concerns. She suggested that persons should look to the betterment of the community as a whole. She agreed that the board could request and recommend that meetings between developers and neighbors take place, but could not require those meetings.

Mr. George Dekle was recognized. Mr. Dekle indicated that the previous developer did meet with the neighborhood at the Girl's Club in April of 2000.

<u>Motion By:</u> Mr. Boyes	<u>Seconded By:</u> Mr. Borden
<u>Moved To:</u> Approve Petition 142SUB-00 DB, with staff conditions and recommendations, including the recommendation that: 1) the final design plat require the stormwater plan not cause a water table rise at any time within 18 inches of land surface on adjacent properties. 2) That lots 108 and 109 be dropped to save the large oak trees in those locations.	<u>Upon Vote:</u> Motion Carried 5-0 Yeas: Bailey, Borden, Layon, Boyes, Polopolus

Mr. Calderon indicated that the plan would go to the City Commission for design plat review after construction drawings had been provided.

Ms. Morgan indicated that the plan would go to the City Commission in March and notice would be sent to persons living within 400 feet of the site.

ORDINANCE NO. 020948
0-03-31

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4 An Ordinance of the City of Gainesville, Florida; amending the
5 Planned Development commonly known as "Walnut Creek"
6 located in the vicinity of the 2500 block of Northwest 39th
7 Avenue, south side; by amending City of Gainesville Ordinance
8 No. 991267 by extending the time periods for obtaining final plat
9 or conditional plat approvals; providing a severability clause;
10 providing a repealing clause; and providing an immediate
11 effective date.
12

13
14 WHEREAS, the petitioner has requested the City Commission to amend the Planned
15 Development, commonly known as "Walnut Creek" at the City Commission meeting of February
16 24, 2003 to extend the time periods for obtaining final plat or conditional plat approvals; and

17 WHEREAS, the City Commission finds that the amendment of the Planned Development
18 District ordinance is consistent with the City of Gainesville 1991-2001 Comprehensive Plan and the
19 City of Gainesville 2000-2010 Comprehensive Plan as adopted by Resolution No. 002684.

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

24 WHEREAS, Public Hearings were held pursuant to the published notice at which hearing
25 the parties in interest and all others had an opportunity to be and were, in fact, heard.

26 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE
27 CITY OF GAINESVILLE, FLORIDA:

CODE: Words ~~stricken~~ are deletions; words underlined are additions.

1 Section 1. Condition 5 of Section 4 of Ordinance No. 991267, adopted by the City
2 Commission on October 9, 2000, is amended to read as follows:

3 5. A design plat shall be adopted within one year from the adoption of approval of the
4 planned development ordinance. A final plat or conditional plat for Phase I shall be
5 ~~adopted within one year of the approval of the design plat. A one year extension from~~
6 ~~this time limit may be granted by the city commission upon application filed by the~~
7 ~~owner/petitioner prior to the expiration of the one year period and upon good cause~~
8 ~~shown by the owner/petitioner. on or before March 25, 2004. A final plat or conditional~~
9 ~~plat for Phase II shall be adopted within 18 months from the date of final or conditional~~
10 ~~plat approval on Phase I.~~ The design plat and final plat process shall implement
11 requirements. All proposed streets shall be dedicated to the City of Gainesville as right-
12 of-way on the subdivision plat. Bonds for public improvements shall be in accordance
13 with § 30-186 of the Land Development Code. The owner/developer shall dedicate an
14 easement over, across and through the alleys in the development for emergency access,
15 maintenance of public utilities and garbage collection. (See Sheet 3 of Exhibit "C".) All
16 public roadways shown on the PD Layout Plan, Sheet 3 of Exhibit "C" shall be fully
17 constructed and accepted by the City within 18 months from final or conditional plat
18 approval of any part of the proposed planned development.

19
20 Section 2. Except as expressly amended by this ordinance, the remaining provisions of
21 Ordinance No. 991267 shall remain in full force and effect.

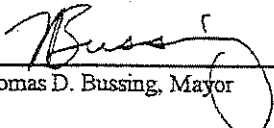
22 Section 3. If any section, sentence, clause or phrase of this ordinance is held to be invalid
23 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect
24 the validity of the remaining portions of this ordinance.

25 Section 4. All ordinances, or parts of ordinances, in conflict herewith are to the extent of
26 such conflict hereby repealed.

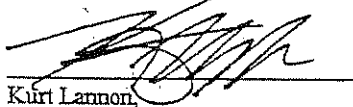
27
CODE: Words ~~stricken~~ are deletions; words underlined are additions.


1 Section 5. This ordinance shall become effective immediately upon final adoption.

2 PASSED AND ADOPTED this 24th day of March, 2003.

3
4
5
6 
7 _____
8 Thomas D. Bussing, Mayor

8 ATTEST: APPROVED AS TO FORM AND LEGALITY:

9
10
11 
12 _____
13 Kurt Lannon,
14 Clerk of the Commission

10
11 
12 _____
13 Marion J. Radson, City Attorney
14
15 **MAR 25 2003**

16 This ordinance passed on first reading this 17th day of March, 2003.

17
18 This ordinance passed on second reading this 24th day of March, 2003.

19
20 H:\Marion Radson\Planning\Walnut Creek PDA.DOC