

City of Gainesville

Inter-Office Communication

Department of Community Development
Phone 334-5022, FAX 334-2282, Station 11

Item No. 7

Date: January 20, 2005

To: City Plan Board

From: Planning Division Staff

Subject: **Petition 193ZON-04 PB.** City of Gainesville. Rezone property from RC (12 units/acre residential conservation district) to RMF-5 (12 units/acre single-family/multiple-family residential district). Located at 419 NW 10th ST., 913 NW 4th PL., 907 NW 4th PL., 901 NW 4th PL., 326 NW 9th ST., 324 NW 9th ST., 315 NW 10th ST., 304 NW 9th ST., 912 NW 3rd AVE., 918 NW 3rd AVE., 311 NW 10th ST., and 928 NW 3rd AVE.

Recommendation

Planning Division staff recommends denial of Petition 193ZON-04 PB

Explanation

This is an application to rezone 12 parcels with a total combined area of approximately 2 acres from RC (Residential Conservation District, up to 12 units/acre) to RMF-5 (Residential Low Density District, up to 12 units/acre).

As shown on the attached map, 11 of the 12 subject parcels are on the same block. That block is bounded by Northwest 4th Place on the north, Northwest 3rd Avenue on the south, Northwest 10th Street on the west, and Northwest 9th Street on the east. The northwest quadrant of that block consists of the Wilhelmina Johnson Resource Center, a building operated by the Cultural Arts Coalition for the benefit of arts and civic organizations. The 12th parcel is located at the northeast corner of Northwest 10th Street and Northwest 4th Place, just north of the Wilhelmina Johnson Center.

According to Alachua County Property Appraiser information, three of the subject parcels are vacant. The other nine parcels contain one- and two-family residences. Landlord permits for 2004 were issued for seven of those residences, one is unoccupied and was not issued a landlord permit in 2004, and one has received Homestead Exemption.

The subject parcels and surrounding areas are part of the Fifth Avenue/Pleasant Street Redevelopment District. The need for a redevelopment district has been documented by a study that was necessary to establish the district. The study found that the area suffers from blight, lack of investment, aging housing stock, and crime issues.

The Wilhelmina Johnson Center is zoned PS (Public Services and Operations). Properties to the north and east of the subject parcels are zoned RMF-5. In fact, the subject parcels are essentially at the edge of the RC zoned area. This is demonstrated by the fact that the north side of Northwest 3rd Avenue is zoned RMF-5 from Northwest 12th Drive to Northwest 10th Street, which is the western boundary of the subject property. To the south of the subject property, across Northwest 3rd Avenue, land is zoned RH-1 (Residential High Density, 8-43 units/acre). To the east of the subject property, across Northwest 9th Street, land is zoned RSF-4 (Single-Family Residential, up to 8 units/acre). Parcels to the west (across

Northwest 10th Street) and to the south (across of Northwest 3rd Avenue) of the subject parcels are within the University Heights North Historic District.

Potential Impact on Adopted Level Of Service (LOS) Standards

The potential impact of the proposed zoning change on adopted LOS standards must be evaluated. The property is located within Zone A of the Gainesville Transportation Concurrency Exception Area (TCEA) and is exempt from transportation concurrency for roadway LOS standards. Any proposed use for the area, however, would have to meet policy requirements to address transportation needs at the Development Plan Stage. The quantity of automobile traffic that will be generated by any use that may be proposed for the site has yet to be determined. This site is within the Gainesville Regional Transit System main bus service area. In fact, several bus routes are within four blocks of the subject property. Water and sanitary sewer service are available to the site. Stormwater management is addressed at the time of development plan approval.

For these reasons, the proposed rezoning is not anticipated to negatively impact LOS standards.

Character of the District and Suitability for Particular Uses

In terms of dimensional criteria such as building height, lot size, and setbacks, there is little difference between the existing RC District, and the proposed RMF-5 District. Additionally, there is no difference between the districts in terms of the maximum overall allowed density.

The primary difference between the districts deals more with permitted uses and building size than with lot size. The existing RC district limits residential development to one- and two-family buildings. The proposed RMF-5 district allows residential buildings to have one-, two-, three-, or four-families; or more if designed as townhouses or rowhouses.

The subject parcels are primarily located on a block that is, like many RC zoned areas, located in a transitional area, between single-family and multiple-family zoning districts. Although it is not always necessary to have a "transitional" zoning category, the RC district often performs that task. The RC district provides flexibility for single-family development by allowing small lot sizes, and is grouped with single-family districts when Landlord Permits are considered, yet is similar to multiple-family districts in that it allows duplexes. The allowed density in the RC district is more than any single-family district, yet equal to that of the lowest density multiple-family district.

Currently, when considering existing development, there is little difference between the "character" of the RC zoned subject properties, the RMF-5 zoned properties to the north and west, the RH-1 zoned properties to the south, and the RSF-4 zoned properties to the east.

The key consideration for this petition is not whether existing development is closer in character to multiple-family or single-family, but whether future development and redevelopment of the sites should be single-family, multiple-family, or transitional.

Applicable Portions of Current City Plans

The subject property is not within any environmental or historic preservation overlay districts. It is, however, located within the Traditional City Special Area Plan (an overlay district that primarily addresses design issues such as building and parking placement and orientation, landscaping, and lighting).

The subject property is also located within the Community Redevelopment Agency's (CRA) Fifth Avenue/Pleasant Street (FAPS) Redevelopment District. The CRA has developed, and is in the process of updating, a redevelopment plan for the area. All CRA plans and updates are developed with substantial public input. A City Commission appointed advisory board, consisting of residents and property owners from within the district, supervises the development and implementation of the redevelopment plan.

Policy 1 of the plan is "Expand Housing Ownership Opportunities in the Redevelopment Area." This policy was placed first to emphasize its relative importance to the neighborhood, based on the input received by the FAPS Advisory Board.

Contrary to Policy 1, the proposed change may reduce housing ownership opportunities on the subject parcels. The reason is related to Landlord Permits, which limit the number of unrelated persons who can live in a unit. Landlord Permits are required of landlords in the RC district, but not in the RMF-5 district. Therefore, the proposed change could increase the number of unrelated persons allowed to live in each unit. Allowing more people per unit increases the value of the unit as a rental. This decreases the chances that the existing rental properties will be converted to owner occupied units. Additionally, the proposed change increases the economic incentive for the one owner occupied unit to convert to a rental property.

Some property owners, however, believe that, regardless of zoning district, owner occupied housing is not economically feasible for the subject properties. These people point to the low rate of owner occupancy for RC zoned properties within the FAPS District, and for the subject properties in particular. They believe that these areas would have a higher rate of owner occupancy if the RC district really did encourage owner occupancy. They also cite the fact that, in the past, the city has used subsidies to attract owner-occupants for new or rehabilitated residences in the FAPS district.

Those subsidies have several purposes besides enticing people to buy in that location. Since a percentage of the new homeowners currently live in the FAPS district, the program maintains community character and does not encourage gentrification. The subsidies provide rare opportunities for low- to moderate-income first-time homebuyers to be part of a neighborhood. The homeowners also benefit from the opportunity to develop some wealth.

The amount of the subsidies is based on the difference between the costs of acquiring, rehabilitating and/or constructing a project, and the sales price of the project. Generally, the sales price (which the City has linked to the appraised value) is less, which results in a subsidy for the buyer. Experience, however, is showing that as more projects are completed, the appraised values, and thus the sales prices of those projects, are increasing. Furthermore, preliminary appraisals for upcoming projects indicate that property values are increasing. For those reasons, the subsidies have decreased, and are expected to continue to decrease, over time. In fact, the CRA anticipated this trend when the program began.

For these reasons, the proposed change may not be consistent with the CRA's Fifth Avenue/Pleasant Street Redevelopment Plan.

Substantial Changes in Character or Development in the Area

Changes to several areas near the subject property are relevant to this petition.

The redevelopment of the Northeast Historic District (the Duck Pond Neighborhood), of which approximately 28% is zoned RMF-5, demonstrates that redevelopment of Historic single-family areas can occur in RMF-5 zoned areas.

Projects that are anticipated to positively impact redevelopment in the area include the following:

- Park Central Holdings, Inc. – a proposed 189-unit multiple-family residential development bounded by Northwest 7th Avenue on the South, Northwest 8th Avenue on the North, Northwest 12th Street on the East, and Northwest 13th Street on the West;
- Heritage Oaks – a recently completed project containing 24 single- and multiple-family units, and located along Northwest 12th Terrace, just south of 3rd Avenue;
- CRA Model Block Program – a partnership with the National Trust for Historic Preservation and Freddie Mac, using tax increment funds and other funding sources to renovate clusters of historic houses, complemented by new construction. The Fifth Avenue and Pleasant Street Neighborhoods each contain a model block located along Northwest 4th Avenue and targeted by this initiative. More than 125 households have expressed interest in buying and living in one of the ten available units;
- University Corners – a proposed rehabilitation of, and addition to, existing structures. This project, located at the northwest corner of Northwest 13th Street and University Avenue, is 8 stories high and contains 112 condominium units, 200 condo/hotel units, 208,000 square feet of retail, 2 levels of underground parking, and an above ground parking structure;
- Santa Fe Community College Downtown Expansion – a proposal to add classrooms, parking, and other facilities; and
- 5th Avenue Corridor Streetscape – a project to improve the infrastructure and beautify the corridor.

Affordable Housing

This petition will not have a negative impact on the provision of affordable housing.

Applicable Goals, Objectives and Policies of the Comprehensive Plan

The following objective and policies are particularly applicable to this petition. The petition is consistent with Future Land Use Element Policy 4.1.1 (the RMF-5 zoning is consistent with the subject parcels' RL land use designation). The proposal, however, increases economic incentives to use the subject parcels for rental housing, as opposed to owner-occupied housing. For that reason, the proposal does not appear to be consistent with Future Land Use Element Policy 2.1.2 or Future Land Use Element Objective 5.1.

Staff determined that the site is within a predominantly single-family neighborhood. This is not meant to imply that single-family residential is the only existing use, or that there are no social problems in the area. Rather, as previously mentioned in the discussion of the CRA Redevelopment Plan, it means that area stakeholders have repeatedly defined the neighborhood as single-family, and expressed the desire that it stay that way.

Future Land Use Element

Policy 2.1.2 The City's Future Land Use Plan should strive to accommodate increases in student enrollment at the University of Florida and the location of students, faculty, and staff in areas designated for multi-family residential development and/or appropriate mixed-use development within 1/2 mile of the University of Florida campus and the medical complex east of campus (rather than at the urban fringe), **but outside of single-family neighborhoods** (emphasis added).

Objective 5.1 The City shall work in partnership with neighborhoods to facilitate effective communication between the neighborhood residents and the City and develop specific actions to address neighborhood identified goals and improvements.

Policy 4.1.1. Land Use Categories on the Future Land Use Map shall be defined as follows:

Residential Low-Density (up to 12 units per acre). This land use category shall allow dwellings at densities up to 12 units per acre. The Residential Low-Density land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low-density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

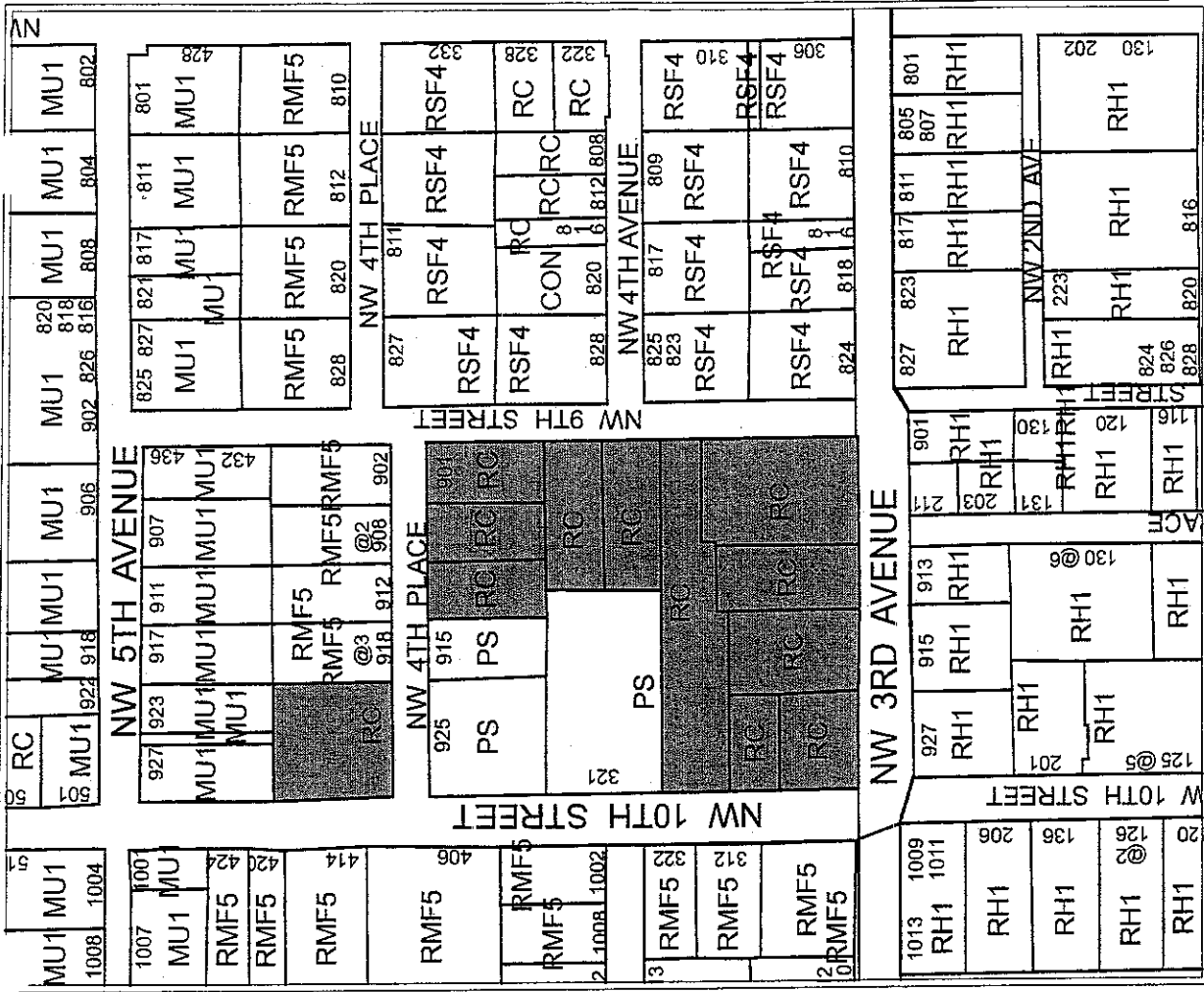
Applicant	City of Gainesville
Request	Rezone property from RC (residential conservation district, up to 12 units/acre) to RMF-5 (residential low density district, up to 12 units/acre)
Existing Land Use Plan Classification	RL, Residential Low Density
Existing Zoning	RC, Residential Conservation District
Location	419 NW 10 th ST , 913 NW 4 th PL , 907 NW 4 th PL , 901 NW 4 th PL., 326 NW 9 th ST., 324 NW 9 th ST , 315 NW 10 th ST., 304 NW 9 th ST., 912 NW 3 rd AVE., 918 NW 3 rd AVE , 311 NW 10 th ST., and 928 NW 3 rd AVE
Size	Approximately 2 acres
Existing Use	Single-Family and Multiple-Family Residential

Zoning Districts

- RSF1 Single-Family Residential (3.5 du/acre)
- RSF2 Single-Family Residential (4.6 du/acre)
- RSF3 Single-Family Residential (5.8 du/acre)
- RSF4 Single-Family Residential (8 du/acre)
- RMF5 Residential Low Density (12 du/acre)
- RC Residential Conservation (12 du/acre)
- MH Mobile Home Residential (12 du/acre)
- RMF6 Multiple-Family Medium Density Residential (8-15 du/acre)
- RMF7 Multiple-Family Medium Density Residential (8-21 du/acre)
- RMF8 Multiple-Family Medium Density Residential (8-30 du/acre)
- RMU Residential Mixed Use (up to 75 du/acre)
- RH1 Residential High Density (8-43 du/acre)
- RH2 Residential High Density (8-100 du/acre)
- OR Office Residential (up to 20 du/acre)
- OF General Office
- PD Planned Development
- BUS General Business
- BA Automotive-Oriented Business
- BT Tourist-Oriented Business
- MU1 Mixed Use Low Intensity (10-30 du/acre)
- MU2 Mixed Use Medium Intensity (14-30 du/acre)
- CCD Central City District
- W Warehousing and Wholesaling
- I1 Limited Industrial
- I2 General Industrial
- AGR Agriculture
- CON Conservation
- MD Medical Services
- PS Public Services and Operations
- AF Airport Facility
- ED Educational Services
- CP Corporate Park

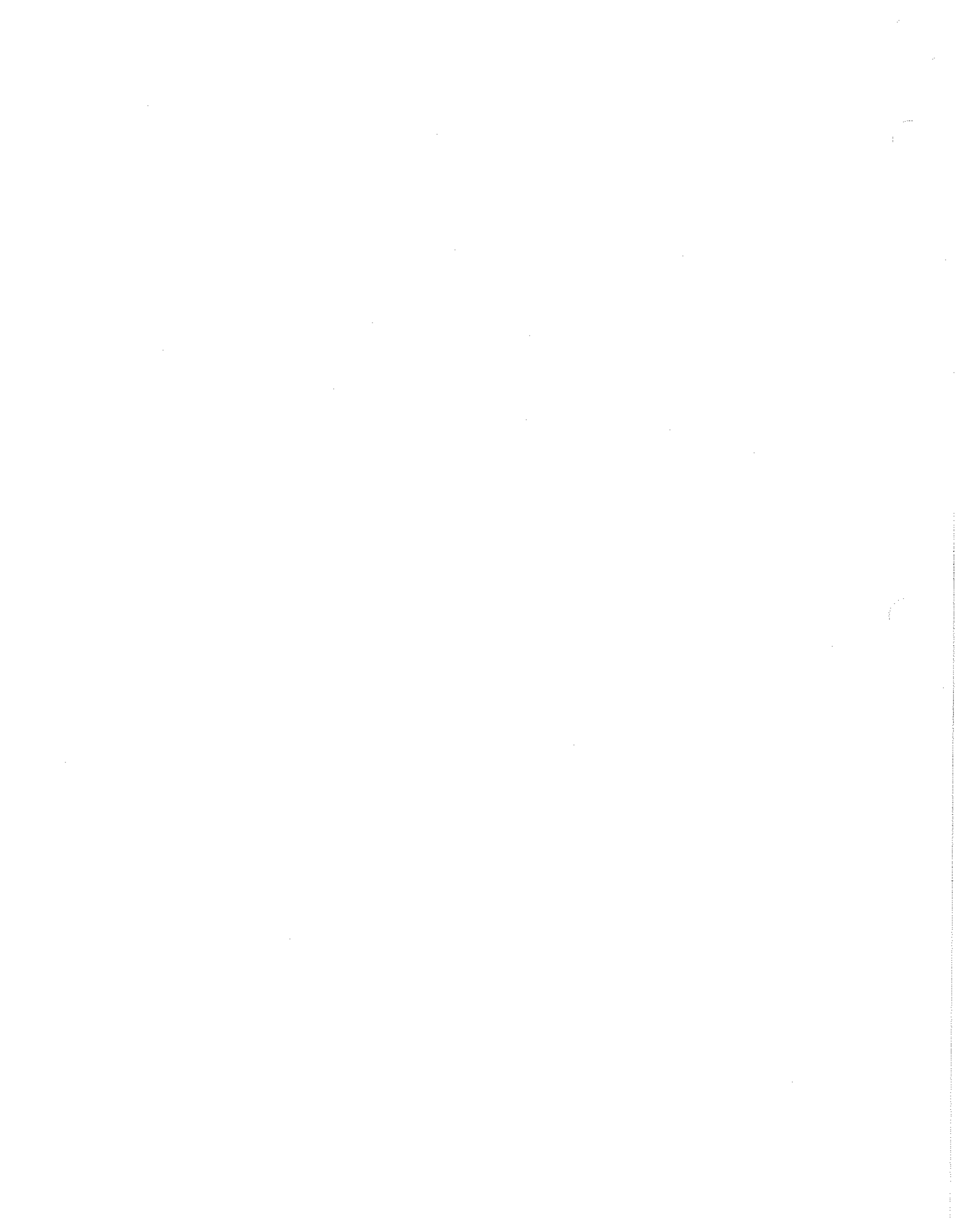
- Historic Preservation/Conservation District
- Special Area Plan
- Division line between two zoning districts
- City Limits

Area under petition consideration



ZONING	
Name	Petition Request
Please see attached	From RC to RMF5
Map(s)	Petition Number
3950	193ZON-04PB





City of

Gainesville

**Division of Community Redevelopment
334-5029, FAX 334-2132, Station 48**

To: Plan Board

**From: Fifth Avenue Pleasant Street Redevelopment Advisory Board to the
Community Redevelopment Agency**

Date: October 8, 2004

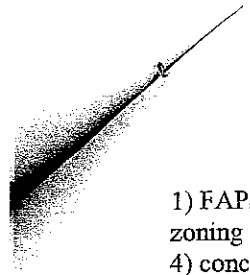
Subject: Rezoning from RC to RMF-5 in the FAPS CRA District

The FAPS Advisory Board heard a presentation at their September board meeting about a proposal for rezoning several sections of the Fifth Avenue neighborhood from Residential Conservation (RC) to Residential Multi family 5 (RMF-5). The Board expressed great concern about the impact this would have on their neighborhood and believe that it would create a downward spiral. There were several key issues discussed including the lack of control over landlord activities, concern that the esthetics will not match the neighborhood vision, concern that this will negatively impact the historic nature of the district, and concern that will work against the homeownership goals of the CRA. In defense of the potential benefits of the Model Block project the board voted to recommend the rezoning not move forward.

The FAPS district is currently under pressure from developers who are acquiring properties, making minimal repairs and then renting the properties to students. The only control the City or neighborhood has over the process is the landlord permit process and the points system implemented by the City. If the areas in question were zoned RMF-5 they would no longer be subject to this control. FAPS is trying to learn from the experiences of the College Park/University Heights districts. As prices increase in CPUH district the FAPS board believes the student rental pressure in the FAPS district will increase. The Board believes that this rezoning will open the door to increased density in rentals with out any control mechanism and will begin a downward slide in the neighborhood that is directly opposed to the direction the CRA has been moving towards.

At present the neighborhood is anxious to consider the benefits of a historic district and the CRA has directed staff to prepare a grant to secure funding for the survey work needed to determine if the historic designation is possible. The Board has been working on streetscaping plans for the Northwest 5th Avenue corridor and has begun to identify possible opportunity sites along the corridor for redevelopment projects. The CRA has adopted the Transformational Projects Incentive Program to set the stage for redevelopment. The CRA has worked closely with the National Trust for Historic Preservation and the Freddie Mac to create homeownership opportunities within the Model Block areas and currently has a list of 105 people interested in homeownership in the neighborhood. One of the CRA interns is researching and developing an Urban Homesteading Program to address the remaining vacant properties in the district. Appraisals show a continued increase in the value of homes in the neighborhood with the first Model Block appraisal coming in at \$91,000, the highest appraisal in recent years. Santa Fe's new building on Northwest 5th Avenue and the proposed redevelopment on Northwest 13th and Northwest 7th set the stage for exciting changes within the district and the FAPS board believes that this rezoning would be contradictory to progress being made.

Fifth Avenue Pleasant Street Redevelopment Advisory Board made the following recommendation by a unanimous vote: Request the City Commission not support the proposed rezoning in the FAPS district for the following reasons:



1) FAPS wants to defend the potential benefits of the Model Block project; 2) concern about the domino effect the zoning change will have on the entire district; 3) concern about the lack of control over landlord activities in RM-5; 4) concern that the aesthetics will not match the community vision; and 5) concern that this zoning change will work against the historic nature and homeownership goals of the CRA.



University Park Neighborhood Association

P.O. Box 12103

Gainesville, Florida 32604

College Park, Florida Park, Forest Park, Hibiscus Park, and near by neighborhoods

January 18, 2005

Mr. Thomas Saunders
Director, Community Development
City of Gainesville
P.O. Box 490, Station 11
Gainesville, Florida 32602-0490

01-21-05 A11:44 RCVD

RE: Surgical Zoning

Dear Mr Saunders:

Earlier this year, the University Park Neighborhood Association (UPNA) board of directors urged the Commission to accept staff's recommendation and reject Petition 122TCH-04PB, which would allow four unrelated persons to reside in a residential unit in Residential Conservation (RC) zoning. The Commission voted 7-0 against the petition, for which we are thankful. At the same meeting, the Commission passed a motion "to direct staff to initiate a petition to rezone properties owned by Mr Pearce and other properties nearby from RC to RMF-5, as appropriate."

The UPNA board of directors opposes spot rezoning as was discussed at the Commission's August 9 meeting related to Petition 122TCH-04PB. Spot zoning goes against the intent of zoning and raises several fairness issues. We are concerned about what kind of precedent this type of rezoning sets. Specifically, how do small "surgical" rezonings affect surrounding properties? Are we suggesting by "surgical zoning" that other properties in the City can be rezoned to the benefit of one property owner and the detriment of others?

As you know, RC zoning helps protect older single-family areas and represents the City's intent to maintain their single-family character and to promote neighborhood revitalization. There are reasons certain areas are zoned as such—other than the financial gain of a single property owner, how do the surrounding properties and residents benefit, if at all? Zoning is designed to protect and enhance entire geographic areas of the City with similar uses and needs; cherry-picking slices for a different purpose runs counter to this.

UPNA urges you to reject this petition. We thank you for your consideration.

Diane Hurtak
President

Wachtel, John S.

From: Bruce DeLaney [bdelaney@uff.ufl.edu]
Sent: Wednesday, January 19, 2005 10:57 AM
To: Wachtel, John S.
Cc: Saunders, Thomas D.; Hilliard, Ralph W
Subject: RE 193ZON-04PB

Robert Pearce and I have known each other for more than 20 years, dating back to the time I managed and had an office in the apartments across the street from his home. We served on the CP/UH Advisory Board together and have disagreed more than we've agreed on many things over the years. However, I agree with his argument on the above petition and encourage staff to support it. It's the argument here, not the person.

Who is fooling who to think a neighborhood that is over 80% rental with a generally substandard housing stock and no schools within walking distance has a chance of returning to the good old days? Cities are nothing if they are not dynamic. I've always thought it is a perverse kind of economic discrimination to allow change everywhere, except the poorest, predominately black neighborhoods. These are the only neighborhoods where our government effectively seeks to control or drive down real estate values in order to create a "Living Museum". I'll fax over an interesting article from a trade publication I receive, *The Institutional Real Estate Letter*. It addresses the museum idea better than I can.

In the meantime, I encourage you to support this petition and ask that you provide the fax I send to both Planning and City Commissioners

Bruce DeLaney
352-392-5405
352-392-9833 fax

Living Museums

How Special Interest Groups Prevent the Evolution of U.S. Cities

The social capital of a city or region — its attitudes and sociopolitical organization — is one of the most important influences on the area's economic development. The process that allocates resources to the built environment and decides how and where structures will be built is one of social capital's most important roles. In turn, how well the built environment



serves the members of the community and how well it adjusts to changes in economic and social imperatives affect the growth of the economic resource base. This always has been true; what has changed over time is who has the power to allocate resources.

When Egyptian pharaoh Akhenaten built his capital 3,340 years ago, only he and his priests had a say in city planning and construction decisions. By the time France's King Louis XIV set the stage for the emergence of modern Paris, the attitudes and motivations of the businessmen who invested their financial capital in private buildings had to be considered. By 1850 when Napoleon III gave Baron George-Eugene Haussmann vast power to transform the streets, public buildings and utilities of Paris, his vision would not have been realized without a multitude of subsequent building decisions by French entrepreneurs and financiers.

Since Colonial times, the business class has played an important role in the way planning and building decisions have been made in the

United States, but individuals or groups of neighbors had relatively little power over urban development. By the early 1960s, the acceptance of the "citizen participation" concept in many U.S. cities was beginning to shift power to neighborhood groups and a new breed of urban activist that organized around issues and opposition to individual projects.

In the mid-1960s, I was working on a team assigned to prepare a community-renewal plan for San Francisco. At that time, Planning Commission Chair Julia Porter bemoaned the emerging power of small groups to veto plans and projects, commenting, "Baron Haussmann would never have been able to give birth to the Paris of today if he had been forced to contend with such naysayers." If she were alive today, she would be astonished to see how much farther the pendulum has swung in the direction of giving power to a minority of citizens.

When renowned Dutch architect Rem Koolhaas was hired by Prada to design a new structure on the site of an old, lackluster building in San Francisco, antimodern activists tried to run him out of town. Not surprisingly, small groups of activists find it even easier to stop things in Berkeley, Calif. The May 10 *San Francisco Chronicle* reported a petition signed by 50 people was enough to prohibit removal of a tar paper-covered house on a weed-filled lot that had been purchased by a couple who wanted to build six new homes there. The reason given for keeping the dilapidated house was that it had been built in 1878, the year Berkeley became a city. To date, that city's landmarks commission has prohibited building on 270 sites, including a parking lot that may cover American Indian artifacts and a field where a long-gone 1868 mansion once stood.

One gets a feel for how the power of such activists is embedded in contemporary social capital by the reverential way newspapers such as *The New York Times* report on their activities. In a full-page May 9 article, the *Times* ran a picture of the two founders of the 125-member Defenders of the Historic Upper East Side and portrayed as heroic their tough stance against projects.

I am not so naive as to believe the structure of contemporary social capital can be altered to silence or disenfranchise such groups. But I believe an increasing number of planning commissioners and elected leaders are recognizing that the entire community loses if the built environment is kept from changing and growing to meet new economic and demographic circumstances. Some also are concerned about the aesthetic stagnation that sets in when places are treated like historic museums, and some point out the irony of activists fighting to preserve what was built in the years when only City Hall and the business class had much say in planning. Finally, the growing use by planners and would-be builders of workshops and surveys with groups representative of the broader civic constituency is providing information that serves as a counter to the pleas made by narrowly defined interest groups.

The future of our urban regions will be brighter if the delivery of such information to public decision-makers, who are willing to consider the impact of a place's parts upon the whole, tempers the influence of those who seek to turn cities into museums. ♦

Claude Gruen is principal economist with Gruen Gruen + Associates (www.ggassoc.com), a firm of urban economists and market strategists in San Francisco and Northbrook, Ill.

Wachtel, John S.

From: tmerrill21@bellsouth.net
Sent: Monday, November 22, 2004 10:47 AM
To: Wachtel, John S.
Subject: Rezoning

It is my understanding that Mr. Rober Pearce has applied to rezone from RC to RMF5 in the neighborhood where my property is located. My property is located at 928 NW 3rd Avenue. Please be advised that I am in favor of this re-zoning. If you have any questions you can either call me at my office 372-1494 or by E-Mail.

Tom Merrill for
Merrill and Sons

Wachtel, John S.

From: tmerrill21@bellsouth.net
Sent: Friday, January 07, 2005 4:52 PM
To: Wachtel, John S.
Subject: Petition# 193ZON-04PB

As owner of the property located in the area affected by the above captioned petition. I am in favor of the rezoning. I think it will help revitalize our neighborhood. Our property is located a 928 NW 3rd Avenue.

Sincerely

Tom Merrill
Merrill and Sons

Wachtel, John S.

From: Nathan Collier [ncollier@teamparadigm.com]
Sent: Tuesday, November 23, 2004 10:08 AM
To: Wachtel, John S.
Cc: Robertpearce2000@aol.com
Subject: Dear Sirs: As an affected party (owner of College View Apts, 54homes at 1105 NW 3rd Av) I am a STRONG supporter of Robert Pearce's zoningchange from RC to RMF-5 between 9th and 10th st. I adamantly believe thatthis will be a positive change for the neighb

Dear Sirs:

As an affected party (owner of College View Apts, 54 homes at 1105 NW 3rd Av) I am a STRONG supporter of Robert Pearce's zoning change from RC to RMF-5 between 9th and 10th st.

I adamantly believe that this will be a positive change for the neighborhood. Robert has been a consistent and vigorous advocate for the area for more than a decade.

Robert has done much to renovate and improve structures in the neighborhood and has been a solid anchor for the neighborhood. I consider it an honor and a privilege to do whatever I can to facilitate Robert's effort's in the neighborhood.

Every neighborhood should be so fortunate to have so strong and tireless n advocate.

Wachtel, John S.

From: RCA Architects [rcaarchitects@bellsouth.net]
Sent: Monday, November 29, 2004 9:50 AM
To: Wachtel, John S.
Subject: Rezoning RC to RMF-5

John Wachtel

This e-mail is to inform you that I strongly support the rezoning of NW 9th street north of University Avenue as I own property in this area, and the rezoning will help improve the area.

Ricardo Cavallino

Ricardo Cavallino + Associates, Inc.
22 SE 5th Avenue, Gainesville, FL
352-377-1751 (Office)
352-377-1765 (Fax)
rcaarchitects@bellsouth.net

Wachtel, John S.

From: Bonnie Laslo [rentalworkshop@yahoo.com]
nt: Tuesday, January 04, 2005 9:28 PM
To: Wachtel, John S
Subject: Petition 193ZON-04PB

Re: Petition 193ZON-04PB

To whom this may concern,

I just wanted to let you know that I am in full support for this rezoning. It will definately improve the area and get some positive redevelopment into this neighborhood, especially on my end I would love to help anyway that I can.

Sincerely,
Bonnie Laslo 352-870-0904

Bonnie Laslo
Rental Workshop L.L.C.
2253 SW 41 Lane
Gainesville, FL 32608
(352) 870-0904 mobile
(352) 318-4553 mobile
(352) 367-9079 fax
www.rentalworkshop.com

Wachtel, John S.

From: David Fraleigh [david_fraleigh@hotmail.com]
Sent: Saturday, January 08, 2005 7:22 AM
To: Wachtel, John S.
Subject: affected party to rezoning petition

Dear Sir

In regard to petition 193ZON-04 PB I am an affected party (just received notice in the mail) and I do support this petition.. I own two buildings that are within 400 feet. They are at 1101 NW 4 Ave, and at 1105 NW 4 ave.....

Thankyou

David Fraleigh 386-462-3858

Summary

Rezoning Neighborhood Meeting

What: City Commission initiated petition to rezone approximately 2 acres from RC, Residential Conservation District (up to 12 dwelling units per acre) to RMF-5, Residential Low Density District (up to 12 dwelling units per acre)

Date: Tuesday, November 9, 2004

Time: From 7:00 p.m. to 8:00 p.m

Location: Wilhelmina Johnson Center, 321 Northwest 10th Street

City Planner John Wachtel handed out zoning maps that showed the location of the subject properties. He then explained the proposal and the differences between the districts. He mentioned several issues including the current condition of the units on the site, the viability of owner occupied single-family on the site, landlord license permits, and the number of unrelated persons living in one unit. Finally, Mr. Wachtel explained the rezoning process.

An attendee asked about density issues. Mr. Wachtel responded that the maximum overall density was the same in both districts. The differences were in the number of units per building, and the number of unrelated persons per unit. An attendee mentioned that much of the zoning in the Duck Pond neighborhood was RMF-5 and that that zoning district allowed a financial return that encouraged redevelopment.

The attendees then spent a short time discussing the pros and cons of the proposed rezoning.

SIGN-IN SHEET
RC/RMF-5 REZONING WORKSHOP
NOVEMBER 9, 2004

	<u>Name</u>	<u>Address</u>	<u>Phone #</u>
1.	ANN Heard	Gainesville	
2.	ROBERT PEARCE		378-3919
3.	Wetona G. Johnson		
4.	Reatha M. Ellis		
5.	Rev. J.D. Johnson		
6.			
7.			
8.			
9.			
10.			

- 7 **Petition 193ZON-04 PB** City of Gainesville. Rezone property from RC (12 units/ acre residential conservation district) to RMF-5 (12 units/acre single-family/multiple-family residential district). Located at 419 NW 10th ST., 913 NW 4th PL., 907 NW 4th PL., 901 NW 4th PL., 326 NW 9th ST., 324 NW 9th ST., 315 NW 10th ST., 304 NW 9th ST., 912 NW 3rd AVE., 918 NW 3rd AVE., 311 NW 10th ST., and 928 NW 3rd AVE.

Chair Pearce indicated that he was an affected party in the petition. He noted that he had a conflict of interest in the matter and would not be voting, however, he would be participating as an affected party. He indicated that he would pass the gavel to the Vice Chair to conduct the hearing. He explained that, following discussions last year regarding use restrictions associated with the RC Zoning District, the City Commission unanimously voted to initiate a petition to change the zoning on the subject parcels from RC to RMF-5. He noted that during quasi-judicial hearings the burden of proof to make a case for approval lied with the petitioner. He pointed out that in Petition 193ZON-04 PB there was no petitioner, and as a result, there would be no one to make the case during the time slot reserved for the petitioner. Chair Pearce stated that, because planning staff recommended denial of the petition, their presentation would be biased and they could not be counted upon to present all of the relevant evidence, therefore, a full and fair hearing would be impossible. He explained that he had brought that matter to the attention of the City Commission and with the concurrence of the City Attorney, the Commission agreed that when the petition came before them, in lieu of a petitioner making a presentation, he would be allowed all the time necessary to present evidence during the affected party presentation which followed staff presentation. Chair Pearce requested that the Plan Board allow him to make a full presentation during the affected party presentation portion of the hearing.

Mr. Gold asked how long affected parties were permitted to speak.

Chair Pearce indicated that petitioners were allowed 10 minutes and affected parties were allowed 5 minutes.

Mr. Gold requested that Chair Pearce stay within the limit allowed the petitioner.

Chair Pearce explained that the rules permitted a statement of the material to be covered and requests for extended time.

Mr. Gold asked if Chair Pearce would agree to a 15-minute limit.

Chair Pearce indicated that he would stay within a 15-minute limit. He noted, however, that the City Commission permitted petitioners 20 minutes to make their case.

Mr. Rwebyogo suggested that the Chair pass the gavel and step down, then allow the board to discuss the limit of presentation time.

Vice Chair Cole accepted the gavel and requested that all other affected parties fill out a registration card.

Mr. John Wachtel was recognized. Mr. Wachtel indicated that the request was to rezone approximately 2 acres from RC to RMF-5. He presented a map showing the location of the subject properties. He noted that it was located in the NW 5th Avenue neighborhood. He explained that there were 12 parcels under consideration, 3 vacant, and 9 developed with 1 or 2 family residential structures. He indicated that, of the 9 developed parcels, 7 had landlord-licensing permits, 1 was unoccupied, and 1 was owner occupied with a homestead exemption. He pointed out the Wilhelmina Johnson Community Center adjacent to the subject parcels, and noted that it was zoned Public Services. He explained that the Johnson Center was used by arts and civic organizations in the area. Mr. Wachtel stated that the NW 5th Avenue neighborhood was in need of redevelopment. He indicated that the area consisted mostly of 1 and 2 unit residential buildings, many rentals, and a low owner occupancy rate. Mr. Wachtel explained that the area containing the subject parcels had been placed in a redevelopment district because it suffered from crime, blight, and lack of investment. He presented a map showing the existing zoning patterns in the area and described them in detail. He stated that the subject property's RC Zoning was at the edge of a zoning district and acted as a transition buffer between multi-family and single-family zoning areas. He explained that the request was to expand the existing multi-family zoning district one block to the east. Mr. Wachtel indicated that the key question before the board was not the existing land use or built environment, but the future development pattern. He explained that the board had to determine whether the zoning of the properties should encourage either single-family, owner occupied residences, or multi family and rental oriented residences. He indicated that, if the board believed that single-family development on the subject properties was not feasible now or in the future, rezoning to RMF-5 was appropriate. Mr. Wachtel noted, however, because of the work of the Community Redevelopment Agency property values were changing, therefore, it was possible that in the future, single-family redevelopment would be desirable. He indicated that if the board believed that single-family redevelopment in the future was feasible and desirable, they should leave the existing RC Zoning in place. He stated that staff believed either zoning district would allow redevelopment, however, based on input from sources in the community, including the 5th Avenue/Pleasant Street Redevelopment Advisory Board, staff also believed that the property could eventually be developed with owner occupied single-family type residences. Mr. Wachtel stated that, based upon trends and public-private investment in existing redevelopment plans, staff recommended denial of the petition. He offered to answer any questions from the board.

Mr. Pearce requested that he be allowed to cross-examine Mr. Wachtel. He noted that Mr. Wachtel had used the term single-family numerous times and he stated that the terminology should be clarified. He pointed out that the subject parcels were not zoned single-family.

Mr. Wachtel agreed that the subject parcels did not have the single-family land use designation, however, the desired single-family development was permitted.

There was discussion of cross-examination and length of presentations and other rules of procedure.

Mr. Pearce noted that Section 30-52 of the Land Development Code stated that its purpose was to provide areas for various types of dwelling units compatible with single-family dwellings. He asked if single-family

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dwelling and multi-family dwellings were equally permitted uses by right in both RC and RMF-5 Zoning Districts.

Mr. Wachtel explained that single-family was permitted in both zoning districts, two family dwelling units were permitted in RC and RMF-5, and 3 and 4 family dwelling units and, in some cases, rowhouses and town houses were also permitted in RMF-5.

Mr. Pearce noted that Policy 4.1.1 of the Future Land Use Element of the Comprehensive Plan stated "residential low density land use designated properties are appropriate for single-family, single-family attached, and zero lot line developments, and small scale multi-family development."

Mr. Wachtel stated that the types of development to which Mr. Pearce referred were permitted in residential low density zoning districts.

Mr. Pearce called attention to the map and noted that the surrounding zoning was at least, or more intense than the proposed RMF-5 Zoning on the subject properties, except for some RSF-4 Zoning to the east. He noted that the density of that RSF-4 Zoning was only one step down on the density scale from the proposed RMF-5 Zoning.

Mr. Wachtel agreed.

Mr. Pearce stated that he had interviewed many prospective tenants for his rental units and had encountered only 1 or 2 cases where more people wanted to occupy a house than there were legitimate bedrooms in that house.

Mr. Wachtel stated that, while he had been told that tenants did not always inform their potential landlords of the number of people occupying a unit, he had no experience in property management.

Mr. Pearce stated that a portion of the Duckpond area was zoned RMF-5. He noted that the area was a mixture of single-family, triplex, and quadruplex residential housing and had no landlord license requirements or occupancy limitations. He agreed that some areas of the 5th Avenue Redevelopment District were more single-family oriented than others. He stated that it was his contention that the subject properties were not in one of those single-family oriented areas, and never would be. He asked if Mr. Wachtel was aware that owner occupancy of properties south of NW 5th Avenue had steadily declined to the point where 90 percent were rental properties.

Mr. Wachtel indicated that he did not know the owner occupancy rates within certain districts.

Mr. Pearce stated that he rehabbed older houses and then rented them out. He asked if Mr. Wachtel knew the return on the risk and financial expenditures if one of those houses was sold to an owner occupant, as opposed to using it as rental property.

Mr. Wachtel stated that he was not an expert in property appraisal. He reiterated that the pertinent issue in the request for rezoning of properties was not the existing zoning or use, but how the area would develop in the future with the City's redevelopment efforts. He pointed out that, clearly, at the present time, property values were low and the area was in need of redevelopment.

Mr. Pearce asked if the taxpayers had to absorb a \$70,000 loss on the sale of the last 5th Avenue Advisory Board rehab house on NW 8th Street in order to sell it to an owner-occupant.

Mr. Wachtel stated that, while he did not know the specifics of any sale, he agreed that there was a loss on most Community Redevelopment Agency rehabs. He noted, however, that it was his understanding that the subsidy required to make those sales was decreasing over time.

Mr. Pearce asked how there would be any private reinvestment in the area, or any significant redevelopment, if the form of development were limited to single-family, owner occupied properties.

Mr. Wachtel noted that, as he had stated in the staff report, the subsidies were anticipated by the Community Redevelopment Agency when the redevelopment district was created. He explained that he could not say for sure that single-family development would become feasible, however, there were plans in place, and other such plans had been successful in other cities through out Florida. He noted that, as the City invested money, private sector investment often followed.

Mr. Mimms indicated Ms. Karen Slevin, CRA Manager, was present and could take any questions from the board. He noted that there was also a letter from the 5th Avenue/Pleasant Street Advisory Board in the board's packets that spoke against the rezoning.

Mr. Rwebyogo requested clarification on staff's position on the rezoning.

Mr. Wachtel explained that staff came to its recommendation with a great deal of input from the 5th Avenue/Pleasant Street Advisory Board and public hearings during the development of the Comprehensive Plan. He noted that there was also experience gained from other rezoning and land use plan amendments that had come before the Plan Board and the City Commission. He indicated that there were also charrettes to involve the public, and the message staff repeatedly received was that the NW 5th Avenue neighborhood highly valued owner occupancy. He pointed out that redevelopment could be encouraged by increasing densities or development flexibility in certain areas. He noted, however, there were places where the community had determined that they wanted to see a certain type of development, and that development might not be the highest and best use or the highest market use. He explained that the subsidies required for

owner occupied housing were decreasing, and there was a long list of people who were interested in buying the rehabbed single-family houses in that part of town.

Mr. Rwebyogo asked how staff believed the zoning change would discourage owner-occupancy.

Mr. Wachtel explained that the change to RMF-5 Zoning did not allow more units per acre than RC Zoning, however, it would permit more units per building and increase the likelihood of apartment type structures. He noted that those structures would more likely be rentals rather than owner occupied. He indicated that the more important reason to keep the RC Zoning dealt with the requirement for Landlord License Permits. He explained that Landlord License Permits were not required in the RMF-5 Zoning District. He noted that the those permits limited the number of unrelated persons living in a unit, and without that limit, there was an economic incentive to keep a rental unit as income producing property and encourage the owners of a single-family units to convert them to rentals.

Mr. Rwebyogo asked why one zoning district would require a Landlord License Permit and another would not.

Mr. Wachtel explained that it involved the purpose of the Landlord License Permit, which was to scrutinize rentals and help single-family neighborhoods remain viable. He noted that a Landlord License Permit was required in RSF-1, 2, 3, 4, and RC Zoning districts.

Mr. Rwebyogo asked if staff and the CRA would be comfortable with attaching the Landlord License Permit requirements to the RMF-5 Zoning District.

Mr. Wachtel indicated that to extend the Landlord License Permit requirements to RMF-5 Zoning would require an amendment to the Land Development Regulations, which could not be done at the present meeting. He agreed, however, that having the Landlord License Permit requirements attached to RMF-5 would strengthen the case for the rezoning of the properties. He stated that the Landlord License Permit required in the RC Zoning District was the primary encouragement for owner occupancy of housing units.

Vice Chair Cole called for presentation of the case by the petitioner.

Mr. Pearce stated that the hearing was a quasi-judicial hearing where the board's decision had to be based upon consistency with the criteria for rezoning as specified in Section 30-347.3 of the Land Development Code. He indicated that it was not a policy hearing. He pointed out that neither the zoning designation nor the land use designation on the subject properties was single-family, and both RC and RMF-5 were multi-family zoning districts within the residential low-density land use category. He noted that Policy 4.1.1 of the Comprehensive Plan stated "residential low-density land use designated properties are appropriate and suitable for single-family, single-family attached, zero lot line development and small scale multi-family development." He indicated that Section 30-52 of the Code stated, "the purpose of the residential low density zoning districts is to provide areas for various dwelling unit types compatible with single-family. *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.*

dwellings." Mr. Pearce pointed out the subject properties on a map and described the surrounding areas. He stated that the proposed rezoning was not incompatible with that zoning in those areas. He agreed that some areas of the 5th Avenue District were more single-family oriented than others, but the subject area was not one of those areas. He explained that too many substantial changes had taken place in the subject area for it to be redeveloped as single-family. He cited increased activity, traffic, crime, noise, and existing student populations in the area as reasons that owner-occupied single-family housing was no longer a sustainable use. He noted that only 8 percent of the subject properties were presently owner-occupied. He presented photographs of the area. Mr. Pearce stated that private reinvestment in the subject area would never come in the form of owner-occupied single-family housing because it was fiscally prohibited and impractical. He indicated that the best way to protect and stabilize the area and insure the viability of the existing sound housing stock would be to allow additional uses that would stimulate private financial reinvestment into the area. He suggested that the City use the modern day market to revitalize the neighborhood. He stated that the Landlord Licensing Permit was not geared to deal with more serious systemic problems such as slum, blight, and high levels of criminal activity. He indicated that rezoning the properties was a much more effective approach to solving those problems than the Landlord Licensing Permit. Mr. Pearce discussed the various building forms that could be constructed in the RMF-5 and RC Zoning Districts. He presented photos of houses he had purchased and rehabbed for rental use. He stated that the rezoning to RC would permit building and development forms that were better suited and more appropriate than those now allowed, and would increase the financial incentive for redevelopment. Mr. Pearce requested that the board approve the rezoning.

Vice Chair Cole asked if the board or any member of staff wished to ask questions of Mr. Pearce

Mr. Cohen noted that the 5th Avenue/Pleasant Street Redevelopment Advisory Board had recommended against the rezoning. He asked if Mr. Pearce had a comment on their rationale.

Mr. Pearce stated that he had lived in the area for 25 years. He indicated that he would like to see more owner occupancy of residences, but it would never happen. He noted the loss of money that was required to have an owner-occupant in the last CRA rehabbed house. He stated that there would never be any private reinvestment in the area if the development were limited to owner-occupied single-family housing. He indicated that he had no objection to a Landlord Licensing Permit in all the zoning districts. He agreed that the Landlord Licensing Permit allowed the Codes Enforcement Division some leverage. He noted, however, there were more significant problems and he believed redevelopment was the appropriate way to address those problems.

Mr. Cohen noted that the 5th Avenue/Pleasant Street Redevelopment Advisory Board had a number of objections, including defense of the Model Block Program.

Mr. Pearce indicated that the Model Block Program involved properties that were not adjacent to the properties proposed for rezoning, however, no activity had taken place. He noted that the Model Block Program was designed to stimulate private reinvestment in the neighborhood.

Mr. Cohen asked if Mr. Pearce appeared before the 5th Avenue/Pleasant Street Redevelopment Advisory Board to discuss the matter of rezoning.

Mr. Pearce indicated that he had never been invited to a 5th Avenue/Pleasant Street Redevelopment Advisory Board meeting.

Vice Chair Cole noted that the 5th Avenue/Pleasant Street Redevelopment Advisory Board meetings were public meetings.

Mr. Rwebyogo requested that Mr. Pearce elaborate on the loss of money on redevelopment, and the source of that money.

Mr. Pearce indicated that the loss was in subsidies. He explained that the figures on losses came from the Community Development Department. He noted that the money came from multiple sources.

Mr. Rwebyogo asked why the area was not owner-occupied at the present time.

Mr. Pearce discussed an evolution in character, slum and blight, a large criminal element, and noted that the area was not attractive to owner-occupants.

Mr. Rwebyogo asked if non owner-occupied properties were inherently harmful.

Mr. Pearce indicated that he was a landlord and he occasionally had to require that tenants clean up. He agreed that owner-occupied properties were typically better kept than rental properties. He stated that the area was not the typical suburban middle-class neighborhood, but a slum and blight neighborhood in need of private reinvestment that would not come in the form of single-family owner-occupied development.

Mr. Reiskind noted that one effective use of Landlord Licensing Permits was the point system that penalized landlords that who did not keep their property or the occupants of their property in line with City ordinances.

Mr. Wachtel agreed and explained that the accumulation of points for violations of the ordinances could affect the permit itself, and it was the permit that allowed the residence to be rented. He also agreed that it was a tool to gain compliance with the regulations since it allowed the Landlord Licensing Permit to be revoked.

Mr. Reiskind noted that, while RMF-5 Zoning did not require a Landlord Licensing Permit, it did require adherence to the Codes.

Mr. Wachtel explained that the Code Enforcement Division could enforce regulations without a Landlord Permit, however, it was much more time consuming and difficult than adding points to withdraw a permit.

Mr. Reiskind asked if the situation reflected a weakness in Code Enforcement in the City.

Mr. Wachtel indicated that it was a matter of opinion.

Vice Chair Cole opened the floor to affected party testimony.

Mr. David Forrestel, owner of property within 400 feet, was recognized. Mr. Forrestel spoke in favor of the petition.

Ms. Bonnie Laslo was recognized. Ms. Laslo indicated that she was a real estate investor in the area of the subject properties. She stated that the neighborhood was a student rental neighborhood even though there were problems with drugs and prostitution. She noted that there had been investors who had purchased property and boarded the buildings until such time that those properties could be developed into student housing.

Mr. Reiskind requested that Ms. Laslo point out the properties that she owned.

Ms. Laslo pointed out the properties on the map. She suggested that the area would be better if there could be multiple uses. She explained that there was also a significant parking issue with small lots.

Mr. Ricardo Cavallino was recognized. Mr. Cavallino indicated that he owned several parcels in the area. He explained that he was unsure as to whether he wished to speak in favor of, or in opposition to, the petition. He noted that he owned property in the area and as an architect, he had worked with several clients on projects there. He pointed out several projects that were being developed at the present time. He stated that the area was definitely a rental area. He suggested that the area could be made into a better transition between the high-density developments to the south.

Vice Chair Cole called for public comment on the petition.

Ms. Kim Tanzer, Professor of Architecture, was recognized. Ms. Tanzer stated that she had been working in the area of the subject properties on her own and with students since 1996. She explained that she had also worked on a master plan for the 5th Avenue/Pleasant Street Redevelopment Advisory Board in 1999, which included the recommendation that the center of the neighborhood be consistently RC, as opposed to being spot zoned. She urged the board to support the redevelopment advisory board in their recommendation that the petition be denied. Ms. Tanzer explained that the redevelopment advisory board had worked very hard in the neighborhood's best interests. She indicated that her work involved the urban fabric of the neighborhood.

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and not construction. She stated that her research on African-American communities in other cities had shown that the 5th Avenue/Pleasant Street neighborhood was significant in the south and had very distinctive historic characteristics. She offered to take board members on a tour of the neighborhood. She agreed that the residences in the area were not predominately owner-occupied, however, the advisory board was working to change that. Ms. Tanzer explained that, while the persons who live in the neighborhood had spoken of crime, particularly prostitution and drug dealing, she had walked and worked in the neighborhood many times. She agreed that there were spots where crime did exist, but in her own experience had shown her that it was not the case during the day. She stated that the descriptions of slum, blight, and rampant crime had not been true in her own experience since 1996. She indicated that the neighborhood had been revitalized since 1996 due to a combination of public and private investment and she could present slides showing that progress. Regarding Mr. Pearce's statements about the use of tax dollars in neighborhood investment, she pointed out that most of Gainesville's successes in the past 10 or 20 years had involved the use of public funding to improve inner city neighborhoods and downtown areas. She noted that the use of such funding was consistent with patterns across the country and the neighborhood was not unique in that regard. Ms. Tanzer suggested that approving the petition would set a precedent for other rezoning requests. She requested that the board deny the petition.

Mr. Rwebyogo asked about the members of the CRA advisory board.

Ms. Tanzer indicated that, while she had been to many meetings, Ms. Karen Slevin, CRA manager, would be better qualified to answer the question.

Ms. Karen Slevin, CRA Manager, was recognized. Ms. Slevin explained that the CRA was actually the City Commission. She noted that members of the 5th Avenue/Pleasant Street Advisory Board were residents of the neighborhood who were appointed by the CRA to provide recommendations on implementation of the redevelopment plan. She indicated that there were 4 CRA districts and each district had a redevelopment advisory board. She stated that the members of the 5th Avenue/Pleasant Street Advisory Board that had sent the letter to the Plan Board requesting denial of the petition either lived or owned property in the neighborhood. She discussed the history of district and the advisory board.

Mr. Cohen noted that there were two opposing views on the redevelopment of the neighborhood. He asked how Ms. Tanzer saw the neighborhood developing in the future.

Ms. Tanzer stated that, obviously, people who purchased property in the area with the intent of redeveloping it and could only do so profitably if the zoning density was increased, would tend to believe that the increase was the only way the neighborhood could go. She suggested that, if the neighborhood was completely vacant land it might be appropriate to develop it as high-density student housing. She noted, however, such was not the character of the neighborhood. Ms. Tanzer pointed out that the neighborhood was developed right after the Civil War and was as old as the City of Gainesville. She suggested that the question was not the value of the land, but rather, what is the value of the neighborhood to the whole community.

Mr. Reiskind asked Ms. Tanzer whether she believed the change would set a precedent that would affect other more clearly defined single-family neighborhoods. He pointed out that, although there was some historic value to the neighborhood, the request was to extend RMF-5 zoning one block to the north covering non-owner occupied properties that were not peripheral to the NW 5th Avenue neighborhood. He indicated that he was not sure that it set a precedent.

Ms. Tanzer stated that she was not aware that the petition had gotten as far as the Plan Board and she first heard about the issue through a listserv. She indicated that residents single-family neighborhoods that surround the university were aware that changing the zoning could affect all of those neighborhoods. She explained that other neighborhoods would be looking at the petition as a precedent. She discussed the African-American history of NW 5th Avenue neighborhood and the historic land use patterns.

Mr. Pearce stated that the property in question was not predominately African-American. He noted that he had lived there for 25 years. He stated that the proposed zoning was not high-density, but residential low-density.

Vice Chair Cole called for deliberation and vote of the board.

Mr. Gold discussed the current condition of houses in the NW 5th Avenue neighborhood. He suggested that the influx of students could improve the neighborhood. He indicated that he supported the petition.

Mr. Tecler stated that long-time government subsidized housing prolonged blight, crime, and other problems. He suggested that there was no viable alternative except to increase the zoning density. He indicated that he supported the petition.

Mr. Rwebyogo indicated that he supported student-oriented commerce. He indicated that he supported the petition.

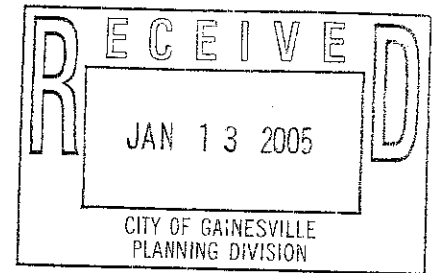
Mr. Reiskind stated that he had no objection to reasonable subsidies to encourage development as visualized by the community. He indicated that he was not convinced that approving the rezoning would set a precedent that would apply to other neighborhoods. He stated that he was Secretary of the Council of University Neighborhood Associations and he too, was concerned with the maintenance of single-family neighborhoods. He noted that he did not believe there should be rentals in single-family neighborhoods and any rented room should be in an owner occupied house. Mr. Reiskind indicated, however, that he did not believe the RC to RMF-5 was a major change in zoning. He pointed out that it did not preclude single-family development or occupancy. He agreed that the Landlord Licensing in the RC District did allow better Code Enforcement. He indicated that he believed Code Enforcement in the city should be strengthened in all neighborhoods. He indicated that he would support the petition.

Mr. Cohen cited a concern that the 5th Avenue/Pleasant Street Advisory Board opposed the rezoning, however, he believed Mr. Pearce had responded to their objections. He stated that, looking at the larger *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.*

issues, the proposal was minor and could result in improvement. He noted, however, that he was sensitive to Ms. Tanzer's comments and considered it important that the historic areas be respected. Mr. Cohen noted that he was on the board of the University Park Neighborhood Association and the Association which also opposed spot zoning. He indicated that he would support the petition before the board because he believed the testimony from the various immediate neighbors and developers that the flavor of the neighborhood would result in reinvestment in a way that would be beneficial. He noted that Mr. Wachtel had stated that, if the board believed that the RC character was the future of the neighborhood, then the board should deny the petition; however, if the board believed it would go in a different way, then the board should approve the petition. He stated that he believed staff did an excellent study of the matter and responded to existing sensitivities, however, Mr. Pearce provided the predominance of evidence to the recommendation.

<u>Motion By:</u> Mr. Gold	<u>Seconded By:</u> Mr. Tecler
<u>Moved to:</u> Approve Petition 193ZON-04 PB	<u>Upon Vote:</u> Motion Carried 6 - 0 Ayes: Cohen, Gold, Rwebyogo, Reiskind, Cole, Tecler Abstain: Pearce

Re: Petition 193ZON-04PB



January 10, 2005

Members of the City Plan Board,

I ask you to take the time to read this report carefully, and I ask you to approve this rezoning.

Introduction

The purpose of this rezoning is to allow building forms and development forms that are better suited for this location than are currently allowed, are more appropriate for present times, are more environmentally friendly, will help to displace slum and blighted conditions, will encourage sensitive and compatible infill development, will increase the financial incentive for much needed redevelopment, will serve to increase the viability of the existing sound housing stock, will promote compact development, will discourage urban sprawl, will promote transportation choice, will put more eyes on the street, and will help to eliminate the serious criminal element in this inner city Redevelopment District.

The Type of Hearing

This is not a Land Use policy hearing.

This is a quasi-judicial rezoning hearing where a determination must be made as to whether RMF-5 zoning on the subject parcels is in compliance with the criteria for rezoning as specified in section 30-347.3 of the Land Development Code. This includes consistency with the Goals, Objectives and Policies of the Comprehensive plan (See Appendices A & B).

The determination must be based upon the competent, substantial evidence and testimony presented.

The generalized Uses the City has deemed as being appropriate and suitable in any area are embodied in the Future Land Use Element of the Comprehensive Plan and the associated Future Land Use Map for the City of Gainesville. The more specific uses are embodied in the Land Development Code and the associated Zoning Map.

According to the Future Land Use Map, the Land Use designation on the subject parcels is *not* Single-family. According to the Zoning Map, the Zoning designation on the subject parcels is *not* Single-family. According to Sections 30-51 and 30-52 of the Land Development Code, the RC Zoning on the subject parcels is *not* Single-family zoning.

According to the Future Land Use Map, the Land Use designation on the subject parcels is Residential Low Density Land Use. Section 30-52 of the Land Development Code indicates that both RC and RMF-5 are multiple-family zoning districts within the Residential Low Density Land Use category. According to Section 30-52 of the Code, the Permitted Uses by Right in both RC and RMF-5 allow single-family dwellings, multiple-family dwellings, and multiple-family apartment complexes at 12 dwelling units/acre.

Single-family dwellings, multiple-family dwellings, and multiple-family apartment complexes are equally Permitted Uses by Right in both the RC and RMF-5 zoning districts.

Policy 4.1.1 of The Future Land Use Element of the Comprehensive Plan states that Residential Low Density Land Use designated properties are appropriate and suitable for single-family, 0-lot line development and small scale multiple-family development.

The Seminary Lane apartment complex on NW 5th Avenue, just northeast of the subject parcels, is an example of the type of multiple-family development allowed in both the RC and RMF-5 zoning districts.

The Subject Area

The subject area contains 12 parcels and is on the southern border of the 5th Avenue Redevelopment District. The subject area is 3 blocks north of University Avenue, and lies between the Central City District of the Downtown and the Santa Fe Community College on the east, and the University of Florida Campus and the new 8-story University Corners development site on the west.

The Surrounding Controls and Compatibility

The surrounding Land Uses (See Future Land Use Map);

- North: Residential Low Density Land Use; and Mixed Use Land Use.
- East: Residential Low Density Land Use.
- South: Residential High Density Land Use.
- West: Residential Low Density Land Use.

The surrounding Zoning (See Zoning Map);

- North: RMF-5 zoning (12 du/acre); and MU-1 zoning (30 du/acre).
- East: RSF-4 zoning (8 du/acre).
- South: Residential High Density Zoning (43 du/acre).
- West: RMF-5 zoning (12 du/acre)

The intensity of the surrounding Land Uses is either equal to or higher than the existing/proposed Land Use.

The intensity of the surrounding Zoning is either equal to or higher than the proposed Zoning, with the exception of RSF-4 zoning to the east, which is only one step down on the density scale from both the existing RC zoning and the proposed RMF-5 zoning.

RMF-5 zoning is compatible with all of the surrounding Land Uses and Zoning.

Additional Note: The RMF-5 zoning to the west contains by far the highest quality housing in the neighborhood and is probably 85-90% student occupied rental property. Significant improvements have been made to many of these properties precisely because of their close proximity to the University of Florida and the demand for student rental housing.

Whereas in other areas of the City the demand for student rental housing may have caused injury, in this inner city slum and blighted area, where a very high percentage of rental properties have existed for many years, the demand for student rental housing has actually served as a strong incentive for many property owners to make major improvements to their properties. This demand for student rental housing south of 5th Avenue has proven to be one of the best things the subject area has going for it.

Evolution of Character

A significant evolution of character has taken place over time in the subject area. During the past 50 years the population of the City has more than doubled, and the enrollment at the University of Florida has increased by a factor of 5. The conditions that may have made this area more single-family oriented in the past simply do not exist today. There is no logical reason to believe those conditions will reverse themselves.

Slum and Blight

Although the 5th Avenue neighborhood is a designated Redevelopment District, generally speaking there has been very little private reinvestment into this core area of City for many years. As a result, large portions of the District continue to suffer from profound slum and blight and a high percentage of dilapidated housing.

Private reinvestment into this area is desperately needed if there are ever to be any significant improvements.

The Intensity

Because the subject area lies directly between the University of Florida Campus and the Downtown urban core, there is a high volume of cut through traffic and delivery truck traffic through this area from the early morning hours on. It is not at all uncommon to see tractor trailer traffic, with their diesel engines roaring, going east and west on NW 3rd Avenue. The mutilated condition of the traffic circles at 10th St and 12th St serve as ample evidence. Emergency vehicles, with their sirens and horns blaring, regularly travel east and west on University Ave, and north and south on NW 10th Street to and from Alachua General Hospital.

Boom box cars of the most objectionable kind, with their inescapable thumping, regularly pass through this area, especially on 10th St and 3rd Ave. On Thursdays, Fridays, and Saturdays this frequent problem turns literally into a non-stop parade between 10 pm until 3 am, with scores upon scores of these cars making the loop around and back to University Avenue. I have logged literally hundreds upon hundreds of noise complaints with the police department.

Due to its close proximity to the University of Florida, there is also a substantial student population in the subject area. A windshield survey suggests that approximately 75% of the properties south of 5th Ave are student rental properties, with an additional 15% non-student rental properties.

Because the noise levels and the intensity of activity in the area south of 5th Avenue have become so high, owner-occupied single-family housing is simply no longer a sustainable use.

The real property records serve to confirm this. They show that only 1 out of the 12 subject parcels, that is 8%, remains owner occupied. Of the 170 affected party parcels, only about 12% are owner-occupied.

There will continue to be the odd exception to the rule, such as myself, for the moment, but generally speaking owner occupancy of properties will always continue to be very minimal.

The intensity of activity in this area will undoubtedly continue to increase over time as the City continues to evolve, and the incompatibility with owner-occupied single-family housing will only continue to increase as well.

The Criminal Element

In addition to the genuine slum and blight, the dilapidated housing, and the high intensity of activity in the subject area, there is also a chronically high volume of illegal drug sales and prostitution in immediate proximity to the subject parcels, especially on 9th Street, east of the subject parcels, and on 4th Place just north of the Wilhelmina Johnson Center.

My life has been threatened by drug dealers on numerous occasions and I have been burglarized by crackies more times than I can count.

Recently, I became so frustrated with the problem, I decided to simply join one of the regular crack dealers standing on the corner of 3rd and 10th. Within less than a minute, without me having spoken a single word, the dealer threatened to come to my house after dark and shoot me. I was interfering with his daily business.

While I was photographing the criminal activity on 4th Place to present as evidence at this hearing, one of the bad guys thrust himself into my vehicle and tried to take my camera. I punched him in the head several times, and managed to get away with only a few scratches. The police caught him hiding behind a house on the north side of 4th Place. He is presently in jail for battery, burglary of a conveyance and strong-armed robbery.

I tend to get rather upset when certain people, some of whom have special agendas, claim that students are a threat to this area.

Unfortunately, the film-processing machine at the Police Department malfunctioned and chewed up my film, so neither they, nor I, have that evidence.

Economics 101

The key to any significant redevelopment in this area obviously lies in stimulating private reinvestment.

But private reinvestment into this area will never come in the form of owner-occupied single-family housing because it is fiscally prohibitive and impractical.

This is clearly evidenced by the \$30,000+ loss on the City's rehab project at 505 NW 3rd St several years ago, and the \$70,000+ loss on the 5th Avenue CRA Advisory Board's rehab project at 407 NW 8th Street (See Appendices C & D).

Not to worry, I'm sure these losses were covered by the money tree in the Thomas Center Courtyard, and not the taxpayers.

This is the same redevelopment strategy associated with the 5th Avenue CRA Advisory Board Model Block Program as well. The estimated losses on each of the Model Block houses were expected to be in the \$30,000 range, based on 2001 figures.

According to the tax records, the 407 NW 8th St. house is no longer homestead property either.

Owner-occupied single-family development simply does not provide the financial incentive necessary to inspire any private reinvestment into this area. Hence the longstanding slum and blight, and hence the need for more realistic, fiscally viable redevelopment strategies.

Real Solutions to Chronic Stagnation

This area could pull itself up by its own bootstraps if the uses that were allowed on properties simply corresponded better with modern day market demand. Instead of the area waiting around indefinitely for a handout, the City should be utilizing the modern day market demand to revitalize and breathe new life into this neighborhood.

Ignoring the evolutionary changes that have taken place over time only serves as an impediment toward any significant improvement, and ignoring the fiscal dynamics of the real world only serves to make conditions worse rather than better. Sticking one's head in the sand about these facts has created a state of perpetual stagnation and has inhibited the private reinvestment necessary for any genuine redevelopment.

When the allowed uses on properties are not allowed to change in synchronicity with changes in the real world, the natural result is stagnation and deterioration.

The old adage "Adapt, or Perish" is pointedly applicable.

The real issue is actually one of attracting higher quality tenant/residents into a multiple-family area where owner occupied single-family houses are no longer a sustainable development form.

The quality of the tenant/resident is dependent upon the quality of the housing and the quality of the surrounding conditions. The quality of the housing will never improve, and slum and blight will never be displaced, unless there is sufficient financial return involved to provide the incentive for redevelopment. The private sector will not invest in a project, or in an area where they will knowingly lose money.

The Landlord Permit

Staff will probably try to paint a picture of multitudes of people crowded into tiny houses as a result of this rezoning. This is extraordinarily misleading, if not deliberately deceptive. In the real world it is extremely rare for more people to even want to occupy a house than there are bedrooms in that house.

The Landlord Permit is essentially useless in dealing with redevelopment issues, displacing longstanding slum and blight, eliminating chronic and pervasive criminal activity, and in situations like this where outdated zoning is the root of many problems.

One should not be afraid to take the band-aid from a wound that needs surgery.

Rezoning these parcels is a much more effective approach towards solving these systemic, grass root problems than the landlord permit can ever hope to accomplish. Staff's concern over the landlord permit should not be the primary concern in this situation where problems are much more effectively addressed at the zoning level, and through redevelopment.

And, it is important to remember that RMF-5 properties are subject to the same Codes and penalties that apply to all properties throughout the City.

The Model Block Program

The 5th Avenue CRA advisory board has suggested in a memo that what is being proposed with the rezoning of these parcels is contrary to the Model Block Program.

The subject parcels are not part of the 5th Avenue Model Block Program, nor are they even adjacent to the proposed 5th Avenue Model Block.

The 5th Avenue Model Block program consists of the City buying, or taking by eminent domain, private property, renovating or building single-family structures, and then selling them to owner-occupants, using huge financial subsidies as the bait.

This is to occur on properties that are not even designated Single-family Land Use in the first place. It is also to occur on properties where sustained owner occupancy is completely unrealistic (abutting Fletcher's Bar on 5th Avenue, abutting Dave Barber's Auto Body Shop on 6th Street, abutting the Sun Surgical Distribution Warehouse, abutting MU-1 Zoning, abutting Warehouse zoning, and *including* Santa Fe Community College property).

According to the Model Block Program schedule, as of this date approximately 22 houses were to have been built or fully renovated in the 5th Avenue Model Block and sold to owner-occupants. As of this date, 0 houses have been built and 0 houses have been renovated.

This is indicative of the unrealistic expectations associated with this program, and the limitations of this program as an effective redevelopment strategy for this area. Because owner-occupied single-family development is not a fiscally viable option in this location, as evidenced by the substantial losses cited earlier, other more realistic redevelopment strategies must be employed if there are ever to be any significant improvements in this area.

Clinging to owner-occupancy of dwellings as the sole redevelopment strategy in this location, at the exclusion of other redevelopment strategies, is pure folly.

The memo also claimed that this rezoning would start a downward spiral and lead to the increase in rental densities. This type of misleading statement has become very typical. The density of rentals on the subject parcels is already at 92%, and the density of rentals on the affected party parcels is already at about 88%.

The memo also suggested that this rezoning to RMF-5 might jeopardize the possibility of future historic district designation. This is rubbish. The area immediately to the west is in a Historic District and is zoned RMF-5. The area immediately to the south is in a Historic District and is zoned RH-1. Much of the Northeast Historic District (the Duckpond neighborhood) is zoned RMF-5. Most of the Southeast Historic District is zoned RMF-7.

The ".... RC is established....." Sentence in Section 30-52 of the Land Development Code

Planning Department Staff has, in the past, displayed a certain poorly worded sentence from the Land Development Code in order to try to mislead the unwary and the uninitiated into believing that RC is mainly intended for single-family development. In order to understand the true meaning of this sentence, one must read that sentence in proper context and with the knowledge that RC is a multiple-family zoning district in the Residential Low Density Land Use category, and with a knowledge of the Permitted Uses by Right in the district, and with a knowledge of the unusual dimensional regulations associated with the RC zoning district, as well as the dimensional regulations associated with all of the other zoning districts.

When the City revised its entire Zoning District classification system in the early 80's, the minimum lot width allowed in any district was 50 feet, and the minimum lot size was 4000 square feet.

Any existing lots with dimensions smaller than these minimum sizes would be non-conforming lots. The continuation of the housing on these lots would therefore be in jeopardy. For example, if a tree fell through a house causing substantial damage, and if that house was on a non-conforming lot, that house might not have been allowed to be rebuilt because of the non-conforming lot size.

Creating a Zoning District category with smaller minimum dimensional requirements, within which these narrower or smaller lots would attain conforming lot size status, was important to their continuation and conservation because non-conforming lot size status would eventually lead to vacant, useless, and valueless lots. Hence the origin of the name Residential Conservation.

Note: There are 13 "residential" zoning districts. "Residential" does not just refer to single-family residential, as is sometimes misspoken.

Providing conforming lot size status to these smaller parcels is the "zoning protection" referred to in the Land Development Code where it says that ".....the RC district is established for the purposes of providing suitable zoning protection to those areas where single-family development has occurred on minimum lot sizes and where such development patterns are desirable to maintain....."

This "zoning protection", which refers to providing conforming lot size status, should not be mistakenly interpreted as to mean that single-family development, or single-family development on small lots, is the only, or preferred, form of development appropriate or desirable in this Residential Low Density multiple-family zoning district.

Since that time, the same minimum dimensional requirements for single-family development have been adopted for the Residential High Density zoning districts, as well.

None of the subject parcels will be affected by the change in dimensional regulations associated with this rezoning.

Housing Types

Both RC and RMF-5 allow development in the form of single-family dwellings, multiple-family dwellings and multiple-family apartment complexes at 12 dwelling units/acre. The building form in RC is limited to duplex development. The building form in RMF-5 is limited to quadraplex development. Small-scale townhouses have recently been approved for RMF-5 as well. Where 2 duplexes can be built in RC, one quadraplex can be built in RMF-5

The southern and western portion of the Duckpond neighborhood is also zoned RMF-5. This is where Kiefer and former City Commissioner Sande Caukins have chosen to live. This is where architects Jay Reeves and Bill Wariner have chosen to live. This is where Dom Nozzi, a senior planner has chosen to live. This is where Teresa Scott, the head of the Public Works Department has chosen to live. And this is where Tom Saunders, the head of the Community Development Department has chosen to live.

Single-family houses exist quite compatibly in immediate proximity to duplexes, triplexes and quadraplexes, and where no Landlord Permit is required, and where there is no occupancy limitation whatsoever.

This variety of housing types, and occupants, has contributed significantly to the vitality and character of this neighborhood, and has made it one of the most desirable places to live in Gainesville. Many people quickly forget the critical role that renovated rental property played in leading the redevelopment renaissance in that neighborhood. The financial incentive was the key.

The Benefits of RMF-5 Zoning In This Location

Building one quadraplex is a more economical method of construction than building 2 duplexes, and would thereby provide a stronger financial incentive for infill development that would be both sensitive and compatible with the area. RC does not allow this.

Building one quadraplex can also be a more environmentally friendly method of construction than building 2 duplexes because in typical quadraplex construction, the units are stacked 2 on 2. This can cut the total building footprint in half, thereby providing a significant increase in the amount of natural open space remaining on a parcel. RC does not allow this.

RMF-5 also allows small-scale townhouses. This, also, would increase the redevelopment incentive, and is a development form that could serve this location near the University of Florida, the Downtown, and Alachua General Hospital extremely well. RC does not allow this.

RMF-5 zoning would also allow 4 people to occupy a 4-bedroom house, which would be an entirely appropriate use in this urban, multiple-family Land Use location 3 blocks from the University of Florida Campus, across the street from Residential High Density Zoning on one side, and across from RMF-5 zoning on two other sides. RC does not allow this. RC requires an empty bedroom.

My first old house renovation project lies one block to the west of the subject parcels and one block north of my own home. The house had been inhabited by vagrants, prostitutes, and crack-heads for years.

Now, God forbid, I have 4 students living in this 4-bedroom house 4 blocks from the University of Florida Campus and I'm paying \$2500 a year into the tax base. It was being able to rent this 4-bedroom house out as a 4-bedroom house that provided the financial incentive to do the renovation. No doubt it would have otherwise become a pile of rubble in a landfill by now. I call this a win, win situation.

This rezoning would allow the 4-bedroom house I have on 3rd Avenue to be rented out as a 4-bedroom house as well. This would help to provide precisely the type of financial incentive necessary to motivate further reinvestment into the property, and it would certainly not jeopardize the character of the neighborhood in any negative way whatsoever.

Consistency with the Criteria for Rezoning and the Comprehensive Plan

The proposed rezoning is consistent with the Criteria for Rezoning as specified in Section 30-347.3 of the Land Development Code, and with the Goals, Objectives, and Policies of the Comprehensive Plan. See Appendices A and B.

Summary

I am an affected party 8 times over. I am an affected party not only because I own 2 of the subject parcels and 5 other parcels with affected party status, I am an affected party because I live 200 feet from the subject area. What happens at this location directly affects me 24 hours a day, 7 days a week, and has for over 25 years.

Again, this rezoning will allow building forms and development forms that are better suited for this location than are currently allowed, are more appropriate for present times, are more environmentally friendly, will encourage sensitive and compatible infill development, will increase the incentive for much needed redevelopment, will help to displace slum and blighted conditions, will increase the viability of the existing sound housing stock, will promote compact development, will discourage urban sprawl, will promote transportation choice, will put more eyes on the street, and will help towards eliminating the serious criminal element in this inner city Redevelopment District.

I ask you to approve this rezoning.

Sincerely,


Robert Pearce

Appendix A

Sec. 30-347.3. Basis for recommendations by City Plan Board on proposed changes or amendments.

(a) Zoning ordinance changes. In reviewing and formulating recommendations to the City Commission on requested or proposed changes in the zoning ordinances that are quasi-judicial in nature, the City Plan Board shall consider and evaluate the changes in relation to all pertinent factors, including the following:

- (1) The character of the district and its peculiar suitability for particular uses;
- (2) Conservation of the value of buildings and encouraging the most appropriate use of land throughout the city;
- (3) The applicable portions of any current city plans and programs such as land use, trafficways, recreation, schools, neighborhoods, stormwater management and housing;
- (4) The needs of the city for land areas for specific purposes to serve population and economic activities;
- (5) Whether there have been substantial changes in the character or development of areas in or near an area under consideration for rezoning;
- (6) The Goals, Objectives and Policies of the Comprehensive Plan; and
- (7) The facts, testimony and reports presented to the City Plan Board at public hearings.

Appendix B

Consistency with the Comprehensive Plan

The proposed rezoning is consistent with the following Goals, Objectives, and Policies of the Comprehensive Plan.

Future Land Use Element

Goal 1

Improve the quality of life and achieve a superior, sustainable, development pattern in the city by creating and maintaining choices in housing, offices, retail, and workplaces, and ensuring that a percentage of land uses are mixed, and within walking distance of important destinations.

Objective 1.1

Adopt city design principles which adhere to timeless (proven successful), traditional principles.

Policy 1.1.3

Neighborhoods should contain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live within its boundaries.

Objective 1.5

Discourage sprawling, low-density dispersal of the urban population.

Policy 1.5.9

The Land Use map should designate appropriate areas for multi-family residential development in close proximity to neighborhood centers and important transit routes. When appropriate and in a way not detrimental to single-family neighborhoods, the city should encourage the establishment of residential, retail, office, and civic uses within 1/4 mile of the center of neighborhood centers as an effective way to reduce car trips and promote transit, walking and bicycling.

Goal 2

Redevelop areas within the city, as needed, in a manner that promotes quality of life, transportation choice, a healthy economy, and discourages sprawl.

Objective 2.1

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

Policy 2.1.1

The city shall continue to develop recommendations for areas designated as redevelopment areas, neighborhood centers and residential neighborhoods in need of neighborhood enhancement and stabilization.

Policy 2.1.2

The City's Future Land Use Plan should strive to accommodate increases in student enrollment at the University of Florida and the location of students, faculty and staff in areas designated for multi-family residential development, and/or appropriate mixed use development within 1/2 mile of the University of Florida campus and the medical complex east of campus (rather than at the urban fringe) but outside of single-family neighborhoods.

Policy 2.1.4

The City shall designate an Urban Infill and Redevelopment Area for the purpose of targeting economic development, job creation, housing, transportation, crime prevention, neighborhood revitalization and preservation, and land use incentives in the urban core. The designated Urban Infill and Redevelopment Area shall be part of and shown in the adopted, Future Land Use Map Series.

Goal 4

The Land Use Element shall foster the unique character of the City by directing growth and redevelopment in a manner that uses neighborhood centers to provide goods and services to City residents; protects neighborhoods; distributes growth and economic activity throughout the City in keeping with the direction of this element; preserves quality open space and preserves the tree canopy of the City. The Land Use Element shall promote statewide goals for compact development and efficient use of infrastructure.

Policy 4.1.1 Land Use Categories on the Future Land Use Map shall be defined as follows:

Residential Low-Density (up to 12 units per acre). This land use category shall allow dwellings at densities up to 12 units per acre. The Residential Low-Density land use classification identifies those areas within the City that, due to topography, soil conditions, surrounding land uses and development patterns, are appropriate for single-family development, particularly the conservation of existing traditional low-density neighborhoods, single-family attached and zero-lot line development, and small-scale multi-family development. Land development regulations shall determine gradations of density, specific uses and performance measures. Land development regulations shall specify criteria for the siting of low-intensity residential facilities to accommodate special need populations and appropriate community level institutional facilities such as places of religious assembly, public and private schools other than institutions of higher learning, and libraries. Land development regulations shall allow home occupations; accessory units in conjunction with single-family dwellings; and bed-and-breakfast establishments within certain limitations.

Transportation Mobility Element

Objective 1.2

Ensure that future land use map designations promote transportation objectives by designating residential development of sufficient density in appropriate locations to support transportation choice.

Policy 1.2.1 The City's future land use map shall remain consistent with transportation choice strategies such as: retaining higher residential densities and non-residential intensities near and within neighborhood (activity) centers and within transit route corridors; car-oriented land uses primarily outside of areas oriented toward transportation choice; mixed use designations in appropriate locations; and centrally located community-serving facilities.

Policy 3.1.1 The City shall strive to increase the amount of land designated for multi-family development, when appropriate, on the Future Land Use Map near important transit stops along arterials and collectors.

Appendix C

HODGE HOUSE 505 NW 3rd Street* REHABILITATION AND SALE SUMMARY		
(A) REHABILITATION COST	\$72,120	
(B) APPRAISED VALUE	\$57,000	
(C) SALES PRICE	\$53,000	
(D) HOMEBUYER 1ST MORTGAGE	\$42,000	
(E) SUBSIDY ASSISTANCE	\$11,000	
(F) HOMEBUYER CONTRIBUTION (min. 2% of Sales Price)	\$1,140	

*Sale Pending (figures are based on close estimates)

- S **DIFFERENCE BETWEEN (A) AND (B) = \$15,120 (Based on Appraised Value)**
- S **DIFFERENCE BETWEEN (A) AND (C) = \$19,120 (Based on Actual Sales Price)**
- S **DIFFERENCE BETWEEN (C) AND (D) = \$11,000 (Subsidy Assistance to Homebuyer)**

- S **TOTAL LOSS ON PROJECT: \$30,120 (A) minus (C) plus (E)**
 (Based on Actual Sales Price)

Total Loss on Project \$ 30,120.00

Appendix D

HOUSE RECYCLING PROJECT SUMMARY
407 NW 8TH STREET

ACQUISITION COST:	\$ 20,986.42
CONSTRUCTION COSTS:	<u>\$113,725.00</u>
TOTAL PROJECT COSTS:	\$134,711.42

SALES PRICE:	\$ 70,000.00
CLOSING COSTS:	<u>\$ 1,585.00</u>
TOTAL SALES PRICE \$ CLOSING COSTS	\$ 71,585.00

HOMEBUYER 1 ST MORGAGE LOAN:	\$66,500.00
HOMEBUYER SUBSITY:	\$ 4,000.00
HOMEBUYER DOWNPAYMENT	<u>\$ 2,237.09</u>
TOTAL HOMEBUYER FUNDS:	\$72,737.09

NET SALES PROCEEDS:	
SALES PRICE	\$70,000.00
SELLER CLOSING COSTS	\$ 1,585.00
HOMEBUYER SUBSITY	\$ 4,000.00
TOTAL NET SALES PROCEEDS	\$64,415.00

Total Project Costs	\$ 134,711.42
Total Net Sales Proceeds	\$ 64,415.00
	-
Total Loss on Project	\$ 70,296.42

Copy of 1/28/02 Address to Commission

Mr. Mayor, Commissioners,

In this action you are approving the expenditure of \$103,000, plus an additional \$10,000 contingency, to rehab a house with an expected loss of approximately \$30,000 at resale, at taxpayer expense.

This is a perfect example of what I consider to be the misguided approach to redevelopment currently being used for the 5th Ave Redevelopment District, an issue that I went on at some length about at your last meeting.

This is a perfect example of the welfare approach to redevelopment for which the city paid Mr. Jesse Wiles \$25,000 in consulting fees.

For the record, I object to my taxpayer dollars being spent in such a manner.

Again, there is no one in this room who wants to see improvements in the area more than I do, but I feel that I would be remiss if I didn't reiterate my opinion that a much better, and fiscally sound strategy to further the substantial redevelopment so desperately needed in this area would be for the city to modify the allowed uses so that they actually correspond with a genuine market demand. Compatibly designed, higher quality, small scale, multiple-family development, such as is commonly found in the Duck Pond Neighborhood is exactly such a use for which there is a genuine market demand. This would incentivise the private reinvestment dollars essential for any significant redevelopment. The subsequently increased tax base would then feed the redevelopment district coffers, which would then fund the infrastructure improvements.

That's the whole purpose of designating an area as a tax increment district in the first place. Using the current strategy, perhaps the area should be renamed the 5th Ave welfare district instead.

It appears to me that there are a lot of people simply choosing to bury their heads further and further into the sand regarding what are realistic, attainable, and fiscally responsible redevelopment strategies. I truly believe that in order to make appropriate decisions, we have look at things in an honest light, and I don't believe that is currently the case.

Robert Pearce

\$ 70,000 LOSS

CITY OF GAINESVILLE
CITY COMMISSION

Quasi-Judicial Registration Form

Name: (please print) DAVID FRALEIGH 2005 FEB 16 AM 11:07

Address: P.O. BOX 311 LACROSSE FL 32658

Telephone Number: 386-462-3858

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

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

.....
Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information.)

As an affected person receiving notice of the public hearing on Petition 193ZON-04 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the PUBLIC HEARING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission—Station 19, Quasi-Judicial Hearing, Petition 193ZON-04 PB, P.O. Box 490, Gainesville, Florida, 32602

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

040756

2005 FEB 21 AM 10:40

Re: Rezoning from RC to RMF-5

February 19, 2005

Madam Mayor and Commissioners,

I own property at 1012 NW 3rd Avenue, which is west of the properties under consideration.

As an affected party, I ask you to approve the rezoning of these properties.

Additionally, in order to encourage more redevelopment, I would ask you to consider rezoning even further to the east, where the slum and blighted conditions are even more significant..

Sincerely,



Michael Tedesco

Quasi-Judicial Registration Form

Name: (please print) Nkwanda Jah

2005 MAR -7 PM 2: 23

Address: 1112 NE 2nd St. - Concern 321 NW 10th St.

Telephone Number: 352-372-0216

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

Please indicate whether you are requesting a Formal Hearing: YES ___ or NO ___ (mark "X")

.....
Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information.)

As an affected person receiving notice of the public hearing on Petition 193ZON-04 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: _____

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Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

040756

Quasi-Judicial Registration Form

Name: (please print) ROBERT PEARSON MAR -7 PM 3:37

Address: 203 NW 11TH ST.

Telephone Number: 352-378-3919

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

Please indicate whether you are requesting a Formal Hearing: YES or NO (mark "X")

.....
Complete the following section of the form only if you are requesting a formal quasi-judicial hearing:

(Please refer to the enclosed Quasi-Judicial Hearing sheet contained in this mail-out for more information.)

As an affected person receiving notice of the public hearing on Petition 193ZON-04 PB, I hereby request, that the City Commission conduct a formal quasi-judicial hearing as described above.

Signature: Robert Pearson

This form and exhibits to be presented to the City Commission must be delivered to the Clerk of the Commission at least 7 days prior to the PUBLIC HEARING as stated in the notification letter sent to you. The Clerk of the Commission Office is located at City Hall, 1st floor, 200 East University Avenue, Gainesville, Florida. Forms may be mailed to the following address: Clerk of the Commission—Station 19, Quasi-Judicial Hearing, Petition 193ZON-04 PB, P.O. Box 490, Gainesville, Florida, 32602.

Attorney Information (If applicable):

Name: (please print) _____

Address: _____

Signature: _____

Telephone Number: _____

