

090201B

PZ-0944 ZON

RECEIVED
APR 16 2009
PLANNING
DIVISION

APPLICATION—CITY PLAN BOARD
Planning & Development Services

OFFICE USE ONLY	
Petition No. <u>PZ-09-00044</u>	Fee: \$ _____
1 st Step Mtg Date: _____	EZ Fee: \$ <u>2,145.00</u>
Tax Map No. _____	Receipt No. _____
Account No. 001-670-6710-3401 []	
Account No. 001-670-6710-1124 (Enterprise Zone) <input checked="" type="checkbox"/>	
Account No. 001-670-6710-1125 (Enterprise Zone Credit) []	

Owner(s) of Record (please print)	
Name: <u>Villas at 39th LLC</u>	
Address: <u>4707 NW 53 Ave #A</u>	
<u>Gainesville, FL 32653</u>	
Phone: <u>352 377-2240</u> Fax: <u>377 5563</u>	
(Additional owners may be listed at end of applic.)	

Applicant(s)/Agent(s), if different	
Name: <u>SAME</u>	
Address:	
Phone:	Fax:

Note: It is recommended that anyone intending to file a petition for amendments to the future land use map or zoning map atlas, meet with the Department of Community Development prior to filing the petition in order to discuss the proposed amendment and petition process. Failure to answer all questions will result in the application being returned to the applicant.

REQUEST

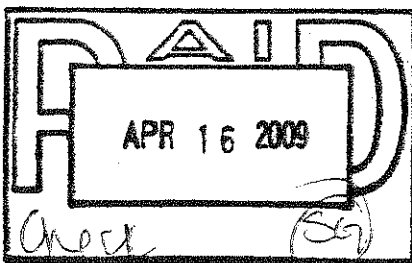
Check applicable request(s) below:		
Future Land Use Map <input checked="" type="checkbox"/>	Zoning Map <input checked="" type="checkbox"/>	Master Flood Control Map []
Present designation: <u>RL</u>	Present designation: <u>MH</u>	Other [] Specify:
Requested designation: <u>C</u>	Requested designation: <u>DOS</u>	

INFORMATION ON PROPERTY

1. Street address: <u>39 NW 39th Ave, Gainesville</u>
2. Map no(s): <u>3551</u>
3. Tax parcel no(s): <u>08247-000-00</u>
4. Size of property: <u>7.52</u> acre(s)

All requests for a land use or zoning change for property of less than 3 acres are encouraged to submit a market analysis or assessment, at a minimum, justifying the need for the use and the population to be served. All proposals for property of 3 acres or more must be accompanied by a market analysis report.

Certified Cashier's Receipt:



5. Legal description (attach as separate document, using the following guidelines):
- a. Submit on 8 1/2 x 11 in. sheet of paper, separate from any other information.
 - b. May not be included as part of a Purchase Agreement, Contract for Sale, Lease Agreement, Transfer of Title, Warranty Deed, Notice of Ad Valorem Taxes, Print-outs from Property Appraiser's Office, etc.
 - c. Must correctly describe the property being submitted for the petition.
 - d. Must fully describe directions, distances and angles. Examples are: North 20 deg. West 340 feet (not abbreviated as N 20 deg. W 340'); Right-of-Way (not abbreviated as R/W); Plat Book (not abbreviated as PB); Official Records Book 1, page 32 (not abbreviated as OR 1/32); Section 1, Township 9 South, Range 20 East (not abbreviated as S1-T9S-R20E).

6. INFORMATION CONCERNING ALL REQUESTS FOR LAND USE AND/OR ZONING CHANGES (NOTE: All development associated with rezonings and/or land use changes must meet adopted level of service standards and is subject to applicable concurrency requirements.)

A. What are the existing surrounding land uses?

North Residential and Business Automotive

South Industrial Park

East Business Automotive

West Public Works Industrial compound

B. Are there other properties or vacant buildings within 1/2 mile of the site that have the proper land use and/or zoning for your intended use of this site?

NO

YES ___ If yes, please explain why the other properties cannot accommodate the proposed use?

C. If the request involves nonresidential development adjacent to existing or future residential, what are the impacts of the proposed use of the property on the following:

Residential streets Minimal as entrance is on 39th Avenue.

Noise and lighting Minimal, office business use already adjacent East, West and South.

D. Will the proposed use of the property be impacted by any creeks, lakes, wetlands, native vegetation, greenways, floodplains, or other environmental factors or by property adjacent to the subject property?

NO YES (If yes, please explain below)

Drainage Ditch on Western edge of property.

E. Does this request involve either or both of the following?

a. Property in a historic district or property containing historic structures?

NO YES

b. Property with archaeological resources deemed significant by the State?

NO YES

F. Which of the following best describes the type of development pattern your development will promote? (please explain the impact of the proposed change on the community):

Redevelopment

Activity Center

Strip Commercial

Urban Infill

Urban Fringe

Traditional Neighborhood

Explanation of how the proposed development will contribute to the community.

Urban Infill To reduce trips and provide for services needed in immediate area

G. What are the potential long-term economic benefits (wages, jobs & tax base)?

Currently the land is vacant. Shops + services will be new, creating jobs, wages and a much higher tax base.

H. What impact will the proposed change have on level of service standards?

Roadways Negligible

Recreation None

Water and Wastewater Negligible

Solid Waste Negligible

Mass Transit Negligible, buss stop on site

I. Is the location of the proposed site accessible by transit, bikeways or pedestrian facilities?

NO _____

YES (please explain)

CERTIFICATION

The undersigned has read the above application and is familiar with the information submitted. It is agreed and understood that the undersigned will be held responsible for its accuracy. The undersigned hereby attests to the fact that the parcel number(s) and legal description(s) shown in questions 3 and 5 is/are the true and proper identification of the area for which the petition is being submitted. Signatures of all owners or their agent are required on this form. Signatures by other than the owner(s) will be accepted only with notarized proof of authorization by the owner(s).

Owner of Record	
Name:	Villas of 39 th LLC
Address:	4707 NW 53 rd Ave #A Gainesville, FL 32653
Phone:	352-377-2240
Fax:	373 5563
Signature:	M/K/L

Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	

Owner of Record	
Name:	
Address:	
Phone:	
Fax:	
Signature:	


No person submitting an application may rely upon any comment concerning a proposed amendment, or any expression of any nature about the proposal made by any participant, at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

To meet with staff to discuss the proposal, please call (352) 334-5022 or 334-5023 for an appointment.

M/K/L
 Owner/Agent Signature
3/13/09
 Date

STATE OF FLORIDA
COUNTY OF Alachua

Sworn to and subscribed before me this 13th day of March 2009, by (Name)

Howard & Wallace
 NOTARY PUBLIC-STATE OF FLORIDA

 Shenedra C. Thomas
 Commission # DD543639
 Expires: APR. 23, 2010
 Bonded Thru Atlantic Bonding Co., Inc.

Shenedra C. Thomas
 Signature - Notary Public

Personally Known OR Produced Identification (Type)

090201B

Exhibit A

[Legal Description]

PARCEL II

A TRACT OF LAND SITUATED WITHIN THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 29, TOWNSHIP 9 SOUTH, RANGE 20 EAST, ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF THE AFOREMENTIONED SECTION 29 FOR A POINT OF REFERENCE AND RUN S04°07'45"E, ALONG THE EAST LINE OF SAID SECTION 29, A DISTANCE OF 57.90 FEET TO THE SOUTH RIGHT OF WAY LINE OF STATE ROAD 222 (ALSO KNOWN AS NW 39TH AVENUE) (RIGHT OF WAY WIDTH VARIES) (RIGHT OF WAY WIDTH VARIES) FOR THE POINT OF BEGINNING BEING THE NORTHEAST CORNER OF A TRACT OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 297, PAGE 275 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, SAID TRACT BEING HEREINAFTER REFERRED TO AS THE "PARENT TRACT", THENCE CONTINUE

S04°07'45"E, ALONG SAID EAST LINE AND THE EAST LINE OF SAID PARENT TRACT, BEING THE WESTERLY RIGHT OF WAY LINE OF NORTHEAST 21ST STREET (60 FOOT RIGHT OF WAY), A DISTANCE OF 536.47 FEET; THENCE RUN S85°57'55"W, A DISTANCE OF 223.13 FEET; THENCE RUN N02°55'09"W, A DISTANCE OF 226.81 FEET; THENCE RUN S87°45'28"W, A DISTANCE OF 610.91 FEET TO A POINT ON A CURVE ON THE WEST LINE OF SAID PARENT TRACT BEING THE EASTERLY RIGHT OF WAY LINE OF CSX SYSTEMS RAILROAD FORMERLY KNOWN AS ATLANTIC COASTLINE RAILROAD (60 FOOT RIGHT OF WAY); THENCE RUN NORTHWESTERLY ALONG SAID WEST LINE AND SAID EASTERLY RIGHT OF WAY LINE WITH A CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 1939.86 FEET THROUGH A CENTRAL ANGLE OF 10°17'50", AN ARC DISTANCE OF 348.63 FEET (CHORD BEARING AND DISTANCE BEING N34°44'32"W, 348.16 FEET RESPECTIVELY) TO A POINT ON THE AFOREMENTIONED SOUTH RIGHT OF WAY LINE OF STATE ROAD 222 BEING THE NORTHWEST CORNER OF SAID PARENT TRACT; THENCE RUN ALONG THE NORTH LINE OF SAID PARENT TRACT AND SAID SOUTHERLY RIGHT OF WAY LINE FOR THE FOLLOWING TEN CALLS, N86°27'49"E, A DISTANCE OF 188.91 FEET; THENCE S03°32'11"E, A DISTANCE OF 17.00 FEET; THENCE N86°27'49"E, A DISTANCE OF 46.00 FEET, THENCE N03°32'11"W, A DISTANCE OF 17.00 FEET, THENCE N86°27'49"E, A DISTANCE OF 593.83 FEET; THENCE S03°32'11"E, A DISTANCE OF 20.00 FEET; THENCE N86°27'49"E, A DISTANCE OF 12.00 FEET; THENCE N03°32'11"W, A DISTANCE OF 7.50 FEET; THENCE N53°43'43"E, A DISTANCE OF 16.64 FEET; THENCE N03°32'11"W, A DISTANCE OF 3.50 FEET; THENCE N86°27'49"E, A DISTANCE OF 151.53 FEET TO THE POINT OF BEGINNING CONTAINING 7.515 ACRES MORE OR LESS.

that included both internet and TV.

Smith put on her e... es two unnamed adult

serenaded to President John F. Kennedy. "Happy birthday, Mr. Per-ez-ident," she cooed.

who persuaded Congress to create the American Folklife Center at the Library Congress, died on March 2... He was 91.

Actor Robbie Coltre is 59. Actor Paul Reiser is

The Gainesville Sun

Commitment to accuracy

The Gainesville Sun promptly corrects errors of fact appearing in its news columns. If you believe we have made an error, call the news department at (352) 374-5005 days or 374-5085 at night. If you have a question or comment about coverage, write to Jim Osteen, executive editor, P.O. Box 147147, Gainesville, FL 32614-7147, e-mail at osteenj@gvillesun.com. Or call: (352) 374-5035.

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LOCAL: Jim Ross, Assistant managing editor/content 374-5093
Lillian Guevara-Castro, Local news editor 374-5023

By fax 338-3128
Jeff Tudeen, Night local news editor 374-5044

MOBILE REPORTER/SURROUNDING COMMUNITIES: Karen Voyles 359-5656

SPORTS: Arnold Feliciano, Sports editor 374-5055

Call in results 374-5074

BUSINESS: Anthony Clark, Editor 374-5094

HEALTH & SCIENCE: Diane Chun, Editor 374-5041

NATION/WORLD: Paul Jenkins, News editor 338-3110

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Investment Notes

Neighborhood Workshop

A neighborhood workshop will be held to discuss a land use change and rezoning to commercial, general business district on 7.5 acres located at NE 1st Way and 39th Avenue. This is not a public hearing. The purpose of the meeting is to inform neighboring property owners of the nature of the proposal and to seek their comments.

The meeting will be held Wednesday, April 15, 2009 at 3 pm at Lewis Place Apartments, 4121 NE 15th Street, Gainesville, FL.
Contact person: Howard Wallace (352)377-2240

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A. Scott Toney
Attorney and Counselor at Law
Scott@TheToneyLawFirm.com

Call Today For Your Free No Obligation Personal Consultation: 1-866-878-7817, toll free (352) 376-0800 (Gainesville) (352) 376-0800 (Orlando)

QUALIFICATIONS INCLUDE:

Graduate of the University of Florida College of Law, 1993
Member of the Elder Law Section of the Florida Bar
Member of the Real Property, Probate and Trust Section
Board Member, Elder Care of Alachua County
Board Member, Children's Home Society
Admitted to US District Court, Northern District of Florida
Admitted to US District Court, Middle District of Florida

Two Office Locations:
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APR 16 2009

**Minutes from Neighborhood Workshop
Held by Villas at 39th, LLC**

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These are the minutes from the neighborhood workshop meeting held April 15, 2009 at Lewis Place Apartments, 4121 NE 15th Street, Gainesville, FL . This meeting was held to discuss a rezoning to commercial, general business district on 7.5 acres located at NE 1st Way and 39th Avenue. This was not a public hearing. The purpose of the meeting was to inform neighboring property owners of the nature of the proposal and to seek their comments.

The meeting started with a presentation by Howard Wallace. He welcomed everyone and made sure everyone had a hand out packet (copy attached). He displayed a large size blow-up of the site map which had been included in the packet. He showed where the fence ran along two sides of the property and where the property set in relationship to the neighborhoods surrounding it. He then asked for questions.

Joy Goodman asked, "Does this change my property value and how far is it from my lot?" Wallace showed her where her lot was in relation to the 7.5 acre site and that it should not change her property value. Wallace discussed the fact that the entrance road at 39th Avenue into the neighborhood of Villas at 39th might change location depending on the end user of the 7.5 acre site. JC Thomas asked, "What about the retention pond?" Wallace explained that FDOT actually dug the hole there when they needed fill dirt to change the elevation of 39th Avenue going over the railroad tracks some 50 years ago.

Howard Wallace then asked, "What is needed in this area?" and a lively discussion ensued. There were no objections or negative feedback, just positive responses. The requested potential services were:

- Bank
- Golden Coral
- Restaurant
- Supermarket
- Taco Bell
- Moe's
- ChicFilet
- Long John Silvers
- Starbucks with drive thru
- Subway
- Dry Cleaners
- Cedar River
- Discount Auto Parts
- Chunkie Cheese
- Pizza Parlor
- Campus Credit Union
- City College
- Barber Shop/Hair Salon
- Nail Salon

Howard Wallace thanked everyone for their input and the meeting ended.

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VILLAS AT 39TH, LLC

4707 N.W. 53RD Avenue, Suite A
Gainesville, FL 32653
352-377-2240 ~ Fax 352-373-5563

APR 16 2009
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March 27, 2009

Dear Area Resident:

I would like to provide you information regarding an upcoming Neighborhood Meeting. The following newspaper advertisement was place in the Gainesville Sun.

Neighborhood Workshop

A Neighborhood Workshop for the location of NE 1st Way and 39th Avenue, Gainesville, Florida will be held as follows:

Date: Wednesday, April 15, 2009
Time: 3:00 pm
Place: Lewis Place Apartments
Address: 4121 NE 15th Street, Gainesville, Florida 32609
Contact: Howard Wallace (352) 377-2240

This workshop will be held to discuss a land use change and rezoning of 7.5 acres to commercial, general business district. Please see the complete list of permitted uses attached. The purpose of this meeting is to inform the neighboring property owners of the nature of the proposal and to seek their comments. We look forward to seeing you there.

Sincerely,


Howard K. Wallace
Managing Partner

Sec. 30-61. General business district (BUS).

(a) *Purpose.* The general business district is established to provide for a wide range of commercial, business and office uses located along major transportation arteries and frontage roads. The district shall be located so as to promote compatibility with residential uses while maintaining flexibility for commercial uses. If appropriate transitional zones between residential and general business areas do not exist, they must be provided through the use of design features under the development plan provisions of this chapter. Residential uses are encouraged both to buffer the more intense aspects of these areas and to provide greater flexibility in areas of existing strip development.

(b) *Objectives.* The provisions of this district are intended to:

- (1) Permit compatible commercial, office and service developments that benefit from being located in close proximity to each other;
- (2) Minimize traffic congestion on public streets;
- (3) Ensure, through development plan approval, that major commercial developments are designed to promote the most efficient use of the land, as well as establish a harmonious relationship between such development and its environment;
- (4) Require appropriate buffering or screening around such development when it abuts any residential district boundary, to maintain its compatibility with such abutting district; and
- (5) Discourage, as much as possible, encroachment by industrial, residential or other uses considered capable of adversely affecting the basic commercial characteristics of the district.
- (6) Provide community level services and retail uses. Such districts should not overlap other community serving activity centers.

(c) *Permitted uses.*

TABLE INSET:

SIC	Uses	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted principal use	
	Bed and breakfast establishments	In accordance with article VI
	Compound uses	
	Eating places	
	Itinerant food vendor	Only on parcels that contain a retail store with a minimum gross floor area of 50,000 square feet and in accordance with chapter 19, article IV

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MG-27	Printing, publishing and allied industries	
MG-43	U.S. Postal Service	
GN-472	Arrangement of passenger transportation	Offices only, with no operation of passenger tours from the site
MG-48	Communications	Accessory transmission, retransmission and microwave towers up to and including 100 feet in height in accordance with article VI
GN-523	Paint, glass and wallpaper stores	
GN-525	Hardware stores	
GN-526	Retail nurseries, lawn and garden supply stores	
MG-53	General merchandise stores	
MG-54	Food stores	Accessory gasoline and alternative fuel pumps in accordance with article VI
GN-553	Auto and home supply stores	Excluding garage and installation facilities except as provided for with a special use permit
GN-554	Gasoline service stations including the sale of alternative fuels for automobiles	In accordance with article VI
MG-56	Apparel and accessory stores	
MG-57	Home furniture, furnishings and equipment stores	
MG-59	Miscellaneous retail	Direct selling establishments (IN-5963) and fuel oil dealers (IN-5983) with inside storage, display and sales only
Div. H	Finance, insurance and real estate	Excluding cemetery subdivisions and developers (IN-6553)
MG-72	Personal services	Including funeral services and crematories in accordance with article VI
MG-73	Business services	Excluding outdoor advertising services (IN-7312, heavy construction equipment rental and leasing (IN-

	Accessory transmission, retransmission and microwave towers over 100 feet in height	In accordance with article VI
	Alcoholic beverage establishments	In accordance with article VI
	Food distribution center for the needy	In accordance with article VI
	Limited automotive services	In accordance with article VI
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI
GN-598	Fuel dealers	In accordance with article IX
GN-701	Hotels and motels	
GN-702	Roominghouses and boardinghouses	In accordance with article VI

(d) *Dimensional requirements.*

(1) Minimum yard setbacks:

a. Front: Ten feet.

b. Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future

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SIGN IN SHEET

This is the sign-in sheet for a neighborhood workshop meeting held on Wednesday, April 15, 2009 at 3 pm at Lewis Place Apartments, 4121 NE 15th Street, Gainesville, FL. This meeting is being held to discuss a rezoning to commercial, general business district on 7.5 acres located at NE 1st Way and 39th Avenue. This is not a public hearing. The purpose of the meeting is to information neighboring property owners of the nature of the proposal and to seek their comments.

Name	Printed Name	Address
------	--------------	---------

Efrain Crespo 1370 NE 39 Ave apt 205 Gainesville FL 32609

Teran Cobler 1310 NE 39th Ave #248 Gainesville FL 32609

✓ M. Thomas 4121 N.E. 15th Street #49 Gainesville FL 32609

Irvin Smith 1370 NE 39 Ave Apt 107 Gainesville FL 32609

Joy Goodman 3566 NE 1st Terr Lot #95 G'ville FL 32609

Lee Davis 1614 SE 4th St Gainesville 32604

Jonathan Preece 1370 NE 39 Ave apt #205 Gainesville FL 32609

Lavera Davis 4121 NE 15 St G'ville FL 32609

Chauhrakulwong 484 SE 24th Dr. 150 G'ville FL 32604

Efrain Crespo JR 4121 NE 15th Street Gainesville FL

Halay Perry 4121 NE 15th St Gainesville, FL 18^{APT}

Mike Kyais 5601 NW 88 St G'ville 32653
