

Appendix B Supplemental Documents

tabbles
EXHIBIT
130283D
 5-1



AERIAL PHOTOGRAPH

Name	Petition Request	Map(s)	Petition Number
City Plan Board, applicant	Rezone property from Planned Development district (PD) to General office district (O)	3752	PB-13-76 ZON



No Scale

City of Gainesville Zoning Districts

- RSF-1 3.5 units/acre Single-Family Residential
- RMF-6 8-15 units/acre Multiple-Family Residential
- BUS General Business
- BA Automotive-Oriented Business
- MU-2 12-30 units/acre Mixed Use Medium Intensity
- PS Public Services and Operations
- PD Planned Development

Area under petition consideration

----- Division line between two zoning districts

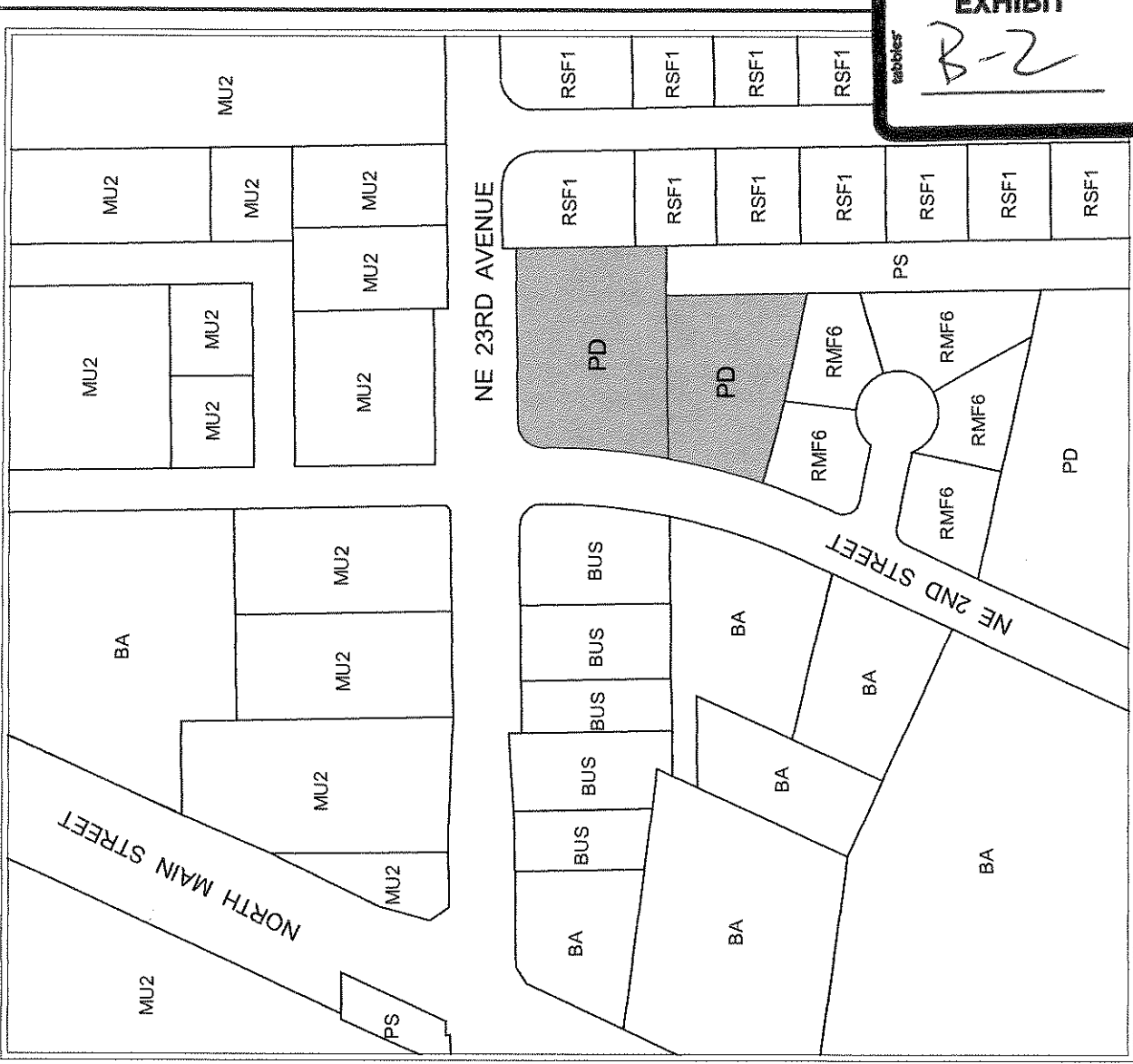


EXHIBIT
B-2

130283D

EXISTING ZONING

Name	Petition Request	Map(s)	Petition Number
City Plan Board, applicant	Rezone property from Planned Development district (PD) to General office district (O)	3752	PB-13-76 ZON



No Scale

City of Gainesville Zoning Districts

- RSF-1 3.5 units/acre Single-Family Residential
- RMF-6 8-15 units/acre Multiple-Family Residential
- BUS General Business
- OF General Office
- BA Automotive-Oriented Business
- MU-2 12-30 units/acre Mixed Use Medium Intensity
- PS Public Services and Operations
- PD Planned Development

Area
under petition
consideration

----- Division line between two zoning districts

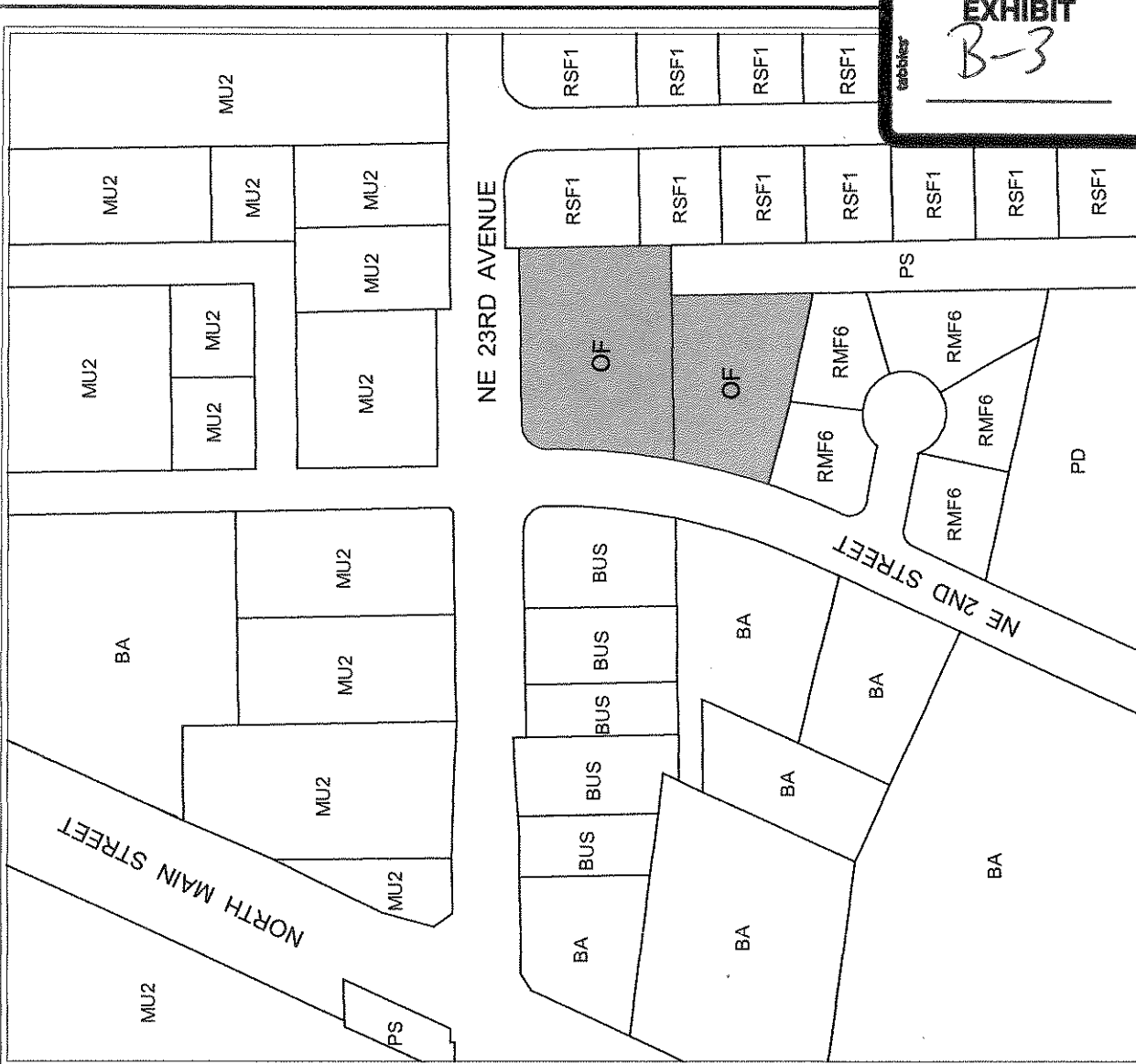


EXHIBIT
B-3

PROPOSED ZONING		130283D	
Name	Petition Request	Map(s)	Petition Number
City Plan Board, applicant	Rezone property from Planned Development district (PD) to General office district (O)	3752	PB-13-76 ZON





1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO. 960935
0-97-27

An ordinance of the City of Gainesville, Florida, rezoning certain lands within the City and amending the Zoning Map Atlas from "OF: General office district" to "Planned Development District"; adopting development plan maps and a development plan report for a restaurant commonly known as "Szechuan Omei"; located in the vicinity of 2201 and 2219 N.E. 2nd Street; providing conditions; providing for penalties; providing a severability clause; and providing an immediate effective date.

WHEREAS, the City Plan Board authorized the publication of notice of a Public Hearing that certain lands within the City be rezoned from "OF: General office district" to "Planned Development District"; and

WHEREAS, notice was given and publication made as required by law of a Public Hearing which was then held by the City Plan Board on March 20, 1997; and

WHEREAS, notice was given and publication made of a Public Hearing which was then held by the City Commission on April 14, 1997; and

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

1 WHEREAS, pursuant to law, notice has also been given by
2 mail ten (10) days prior to the first reading of this
3 ordinance to the petitioner whose land will be changed by
4 enactment of this ordinance; and

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

9 NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF
10 THE CITY OF GAINESVILLE, FLORIDA:

11 Section 1. The following described property is rezoned from
12 "OF: General office district" to "Planned Development
13 District";

14 See Exhibit "A" attached hereto and made a part
15 hereof as if set forth in full.
16

17 Section 2. The City Manager is authorized and directed to make
18 the necessary change in the Zoning Map Atlas to comply with
19 this Ordinance.

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

22 1. the development plan report entitled "PD Layout Report"
23 prepared by Skinner and Associates, Inc.; last updated

1 September 10, 1996, attached and identified as Exhibit "B";
2 and
3 2. development plan maps consisting of 2 sheets: 1) the
4 existing conditions map entitled "Proposed Restaurant for
5 Szechuan Omei" dated November 5, 1996; and 2) the "PD Layout
6 Plan Map", dated November, 5, 1996, last revision on May 20,
7 1997, identified as Exhibit "C";
8 are incorporated and made a part of this Ordinance as if set
9 forth in full. The terms, conditions, and limitations of
10 the Development Plan shall regulate the use and development
11 of the land described herein zoned to the category of
12 Planned Development District as provided in Chapter 30, Land
13 Development Code of the City of Gainesville (hereinafter
14 referred to as "Land Development Code"). In the event of
15 conflict between the provisions of the development plan
16 report (Exhibit "B") and the development plan maps (Exhibit
17 "C"), the provisions, regulations, and restrictions of the
18 development plan maps (Exhibit "C") shall govern and
19 prevail.

20 Section 4. The following conditions, restrictions and
21 regulations shall also apply to the development and use of
22 the land:

23 (a) Concurrency approval shall be valid for a period of one
24 year from the date of adoption of this ordinance.

1 (b) Prior to second and final reading of this ordinance, a
2 20' wide public utility easement shall be conveyed to
3 the City of Gainesville extending from the south
4 property line of lot 7 north to N.E. 23rd Avenue,
5 measured from the east property line for the purpose of
6 maintaining existing utility lines and trimming the
7 trees and vegetation within the buffer area referenced
8 below that may create a public safety condition.
9 Within this 20' easement, trees and vegetation may be
10 trimmed or removed to the extent necessary to service
11 and maintain existing utilities by Gainesville Regional
12 Utilities or an affected service provider. In
13 addition, in order to provide visual screening and
14 buffering and maintain the existing amount of buffering
15 between this use and adjacent residential uses to the
16 east, a 40' foot wide buffer area shall extend from the
17 south property line of lot 7 north to N.E. 23rd Avenue,
18 measured from the western boundary of the utility
19 easement. The 40' buffer area shall remain in its
20 natural state with the removal or destruction of trees,
21 shrubs or other vegetation prohibited. A required six
22 foot high masonry screen wall to be constructed along
23 the western most boundary of the buffer area may
24 encroach into the buffer area as recommended by the

1 City's Arborist for the purpose of preserving or
2 protecting regulated trees on said boundary. The wall
3 shall be constructed prior to any construction or
4 development activity on the site. During construction
5 of the wall, wooden tree barricades shall be provided
6 to protect existing trees within close proximity to the
7 wall. Prohibited uses within the buffer area shall
8 also include: the construction and placing of
9 buildings, roads, signs, billboards, or other
10 advertising, utilities or other structures on or above
11 ground; dumping or placing of soil or other substance
12 or material as landfill or dumping or placing of trash,
13 waste or other unsightly or offensive materials;
14 excavation, dredging or removal of loam, peat, gravel,
15 soil, rock or other material substances in such manner
16 as to affect the surface; and activities detrimental to
17 drainage, flood control, water conservation, erosion
18 control, soil conservation, or fish and wildlife
19 habitat preservation;

20 (c) A nine foot wide landscaped street buffer shall be
21 provided along the north property line. No regulated
22 trees shall be removed within this buffer area.
23 Landscaping within the nine foot buffer area shall meet
24 the landscape buffer requirements for buffer strip

- 1 requirements for "commercial, mixed use" as provided in
2 the Land Development Code.
- 3 (d) A 6' high masonry screen wall shall be constructed by
4 the owner/developer along the western boundary of the
5 40' buffer area to extend an existing masonry screen
6 wall to the N.E. 23rd Avenue southern right-of-way
7 line, for the purpose of providing a sound and visual
8 barrier between this use and the residential uses to
9 the east.
- 10 (e) The minimum building setback from the north property
11 line shall be 15 feet. No existing regulated trees
12 shall be removed within this area.
- 13 (f) Except as expressly provided in this ordinance, the
14 property shall be regulated as if it were zoned (OF)
15 General Office District (see Exhibit D for the
16 dimensional and general requirements for the OF
17 District, attached hereto and made a part hereof as if
18 set forth in full), and meet all other applicable
19 requirements of the Land Development Code as if the
20 property were zoned OF.
- 21 (g) The permitted use of the property is an eating place,
22 as defined by the Land Development Code.
- 23 (h) The existing wood and chain link fence along the south
24 property line shall be replaced with a masonry screen

1 wall at least 6 feet in height that shall act as a
2 buffer for the residential uses to the south. The wall
3 shall be located so as to minimize the removal of or
4 damage to existing regulated trees as recommended by
5 the City's Arborist.

6 (i) The maximum lot coverage for all buildings and
7 structures is forty (40) percent.

8 (j) The two existing driveways on N.E. 2nd Street shall be
9 replaced with one driveway as shown on Sheet 2 of the
10 Development Plan Maps. The driveway shall be aligned
11 as close as possible with the driveway across the
12 street on N.E. 2nd Street.

13 (k) The number of off-street parking spaces shall comply
14 with the requirements of section 30-332 of the Land
15 Development Code for an "eating place".

16 (l) The development may be constructed in two phases as
17 indicated on Sheet 2 of the Development Plan Maps.

18 (m) The Planned Development shall be valid for a period of
19 5 years from the date of final adoption of this
20 ordinance. Failure to commence construction will cause
21 the development approval of this planned development to
22 become null and void. In this event, the city will
23 then initiate an action to rezone the property to an
24 office designation.

- 1 (n) Final development plan approval must be obtained within
2 two years of final adoption of this ordinance. Failure
3 to obtain final development plan approval within said
4 period will require the submittal of a new application
5 for preliminary and final development plan approval.
6 Any existing or future approved development order will
7 expire in accordance with the Land Development Code.
8 Development plan approvals are contingent upon
9 concurrency certification.
- 10 (o) The planned development is allowed one ground mounted
11 sign with a maximum height of ten (10) feet and a
12 maximum size of forty-eight (48) square feet. The
13 requirements of Article IX of the Land Development Code
14 shall apply for any sign not expressly regulated this
15 Ordinance. Signs shall not be located within the vision
16 triangle area as defined in the Land Development code,
17 and shall be placed at the northwest corner of the
18 planned development.
- 19 (p) The owner/developer shall paint over the orange
20 markings currently on the trees.
- 21 (q) No unusual loud noises such as chain saws, dump trucks,
22 bulldozers and land clearing, etc., shall occur before
23 10:00 a.m. No normal construction activity shall occur

1 before 8:00 a.m. No construction shall occur on
2 Saturday, Sunday and legal holidays.

3 **Section 5.** Any person who violates any of the provisions of
4 this ordinance shall be deemed guilty of a municipal
5 ordinance violation and shall be subject to fine or
6 imprisonment as provided by section 1-4 of the Gainesville
7 Code of Ordinances. Each day a violation occurs or
8 continues, regardless of whether such violation is
9 ultimately abated or corrected, shall constitute a separate
10 offense.

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

16 **Section 7.** This Ordinance shall become effective immediately
17 upon adoption; however, the rezoning shall not become
18 effective until the amendment to the City of Gainesville
19 1991-2001 Comprehensive Plan adopted by Ordinance No.

1 0-97-26 becomes effective as provided therein.

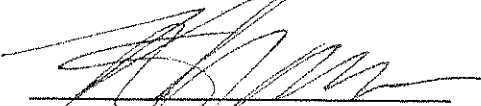
2 PASSED AND ADOPTED this 25th day of August,


3 1997.

4 
5 MAYOR-COMMISSIONER

8 ATTEST:

APPROVED AS TO FORM
AND LEGALITY:

9 
10
11 KURT LANNON
12
13 CLERK OF THE COMMISSION

14 
15 MARION J. RADSON
16 CITY ATTORNEY

AUG 27 1997

18 This ordinance passed on first reading this 11th day of
19 August, 1997.

21 This ordinance passed on second reading this 25th day of
22 August, 1997.

27 h:\users\alice\36pdv.pet

EXHIBIT "A"

LEGAL DESCRIPTION:

OFFICIAL RECORDS BOOK 1841, PAGE 1393

LOT 7 OF McCOY'S COMMERCIAL PARK, A SUBDIVISION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK "H", PAGE 9 OF THE PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA.

AND

OFFICIAL RECORDS BOOK 1560, PAGE 2924

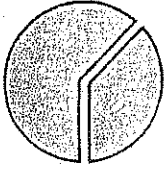
A TRACT OF LAND SITUATED IN LOT SIX (6), OF McCOY'S COMMERCIAL PARK, A SUBDIVISION AS RECORDED IN PLAT BOOK "H", PAGE 9, PUBLIC RECORDS OF ALACHUA COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS: BEGIN AT THE NORTHWEST CORNER OF LOT SIX (6) OF SAID McCOY'S COMMERCIAL PARK, AND RUN SOUTH 89 DEGREES, 45 MINUTES, 28 SECONDS EAST, 193.00 FEET TO THE NORTHEAST CORNER OF SAID LOT SIX (6); THENCE RUN SOUTH .00 DEGREES, 04 MINUTES, 09 SECONDS EAST ALONG THE EAST LINE OF SAID LOT SIX (6), 165.00 FEET; THENCE RUN NORTH 77 DEGREES, 30 MINUTES, 45 SECONDS WEST, 231.24 FEET TO THE EAST RIGHT OF WAY LINE OF NORTHEAST 2ND. STREET; THENCE RUN NORTHERLY ALONG SAID RIGHT OF WAY LINE WITH A CURVE CONCAVE WESTERLY, SAID CURVE HAVING A CENTRAL ANGLE OF 08 DEGREES, 38 MINUTES, 09 SECONDS, A RADIUS OF 798.94 FEET, A LENGTH OF 120.42 FEET AND A CHORD BEARING AND DISTANCE OF NORTH 15 DEGREES, 42 MINUTES, 35 SECOND EAST, 120.31 FEET TO THE POINT OF BEGINNING.

SUBJECT TO EASEMENTS AND RESTRICTIONS OF RECORD.

SOURCE:

Photocopy of the legal description prepared by John Myers & Associates, Registered Land Surveyors, in conjunction with the preparation of the Boundary and Topographical Survey for Szechuan Omei Restaurant on September 10, 1996.

EXHIBIT "B"


**SKINNER &
ASSOCIATES, INC.**

ARCHITECTS, ENGINEERS & PLANNERS

304 378-4

RECEIVED

NOV 05 1996

PLANNING
DIVISION
 PD LAYOUT REPORT
 (Update September 10, 1996)

Prepared for City Planning Board

The subject properties are located at the southeast corner of NE 23rd avenue and NE 2nd street in the City of Gainesville (McCoys Commercial Park, PB H-9, LOT 6 and LOT 7, addresses: 2201, 2219 NE 2nd Street, Gainesville, Florida 32609). The current land use of LOT 6 is RESTAURANT, CAFETERIA (zoning OF), and occupied by Szechuan Omei Restaurant. The current land use has been changed to PUD (petition 68LUC-95PB). At present, the Szechuan Omei restaurant occupies lot #6. The current land use of LOT 7 is VACANT COMMERCIAL (zoning OF).

1. It is proposed to rezone the lots to PD, so to allow re-constructing a modern, environmentally benign, large sized restaurant on the corner LOT 7, while demolishing the existing old restaurant which was built on LOT 6 in 1972 and has many environmental disadvantages.
2. The proposed change of rezoning is justified by the existing non-conforming restaurant land uses at LOT 6, and the adjacent restaurant and other commercial uses across N.E. 2nd street and N.E. 23rd avenue. Apparently, these facts make the subject parcel more adaptable for commercial use. Once the proposed change being approved and in effect, the project land use will be in conformance with the City 1991-2001 Comprehensive Plan. The project development is compatible with the surrounding land uses, and will enable Szechuan Omei Restaurant to provide the community the convenient and better services, which in turn, helps reducing the number of vehicular trips.
3. The existing sidewalks on the NE 2nd street provide a convenient pathway for pedestrian access to the restaurant. Bicycles are afforded access via paved routes to a new bike racks located conveniently near the front entrance. The entrance and exit allow vehicles access to and from NE 2nd street only. All vehicular circulation will be complete internal, which minimizes the impact of the development on the local traffic. Traffic generation is minimal at < 10 peak hour trips (per the ITE manual).
4. Statistics Information:

(1) Total acreage of the site:	1.69 acres
(2) Maximum building coverage:	6.9 %
(3) Total impervious area:	40.5 %
(4) Residential density:	N/A
(5) Number of dwelling units:	N/A

October 11, 1996

Page 2 of 3

(6) One restaurant building:	5093 sq.ft
(7) Acreage of one commercial use:	1.69 acres
(8) Open Space and others	44.6 %

5. Storm Water Management Concept Plan

The existing restaurant site includes 26,572 sq.ft impervious area which discharge storm water directly into the City's storm sewer system without the benefit of any type pre-treatment. The proposed stormwater management concept plan will consist of retention basin with a control structure located along the east boundary, landscaped open space and lawns. The impervious area of the post-development site is 26,134, which is slightly (2%) less than that of the existing site. However, the storm water runoff at the post-development site will receive pre-treatment in the off-line retention basin as specified by the St. Johns River Water Management District.

The proposed storm water management system utilizing the BMP concept, will direct roof, parking, and roadway runoff via sheet flow and shallow concentrated surfaces flows to the retention basin and/or swale system. The retention area will be capable of storing approximately 3,560 cubic feet of runoff (1" over the entire site). The peak runoff has been calculated using the methods outlined by the St. Johns River Water Management District. Proposed mitigation for water quantity will be achieved through detention by limiting the rate of discharge to that of pre-development conditions. The system is analyzed considering event durations of 1, 2, 4, 8 and 24 hours for both the 10-year and 100-year frequency storms.

The site topography characteristics are that the negative gradient of surface elevation is towards the northeast corner with a slope generally less than 1%. The site is in the zone of the so-called Sensitive Karst Area (SKA) with the seasonal high water table at a depth of 40-60 inches for 1 to 4 months. The site soil type is Millhopper sand, and the soil permeability is high in surface & subsurface layers, approximately 14 inch per hour. Due to the high water table feature of the site, and to assure adequate treatment of storm water before it entering the Floridan aquifer, a minimum 3 feet of unconsolidated soil material between the surface of the limestone bedrock and the bottom of the retention basin is required, and the maintenance of good vegetative cover is desirable. Further soils investigations will be conducted during the final design.

6. The generalized conceptual landscape plan signed and sealed by registered landscape architect is attached.
7. The site design complies with the City of Gainesville, and FDOT design standards for off-street parking and loading facilities.
8. The construction will consist of two phases, the tasks to be performed in Phase I

October 11, 1996

Page 3 of 3

include construct a new restaurant building, part of the parking lot, and drainage retention basin. The tasks in Phase 2 include demolishing the old restaurant buildings, and completing the parking and retention facilities. Due to the special features of the PD application, there no detailed schedule available at this time.

9. A certificate of concurrency for this development has been applied to by the City of Gainesville.

Original prepared by
Guojie Zhang, Ph.D., P.E.

Revised by
Alex Vieira, P.E.
on October 10, 1996

11049602

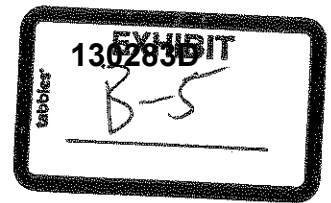


Exhibit B-5 – General office district (O)

Sec. 30-59. - Office districts (OR and OF).

(a)

Purpose. The office districts are established for the purpose of encouraging the development of professional offices, low to medium density residential and studio uses at locations where such uses of land would be compatible with surrounding residential uses and be in keeping with the land use policies of the comprehensive plan.

(b)

Objectives. The provisions of the office districts are intended to:

(1)

Encourage, through the OR district, the mixture of compatible residential and office activities at suitable locations;

(2)

Permit development to locate in close proximity to residential areas, provided that such development will not be incompatible with its surroundings;

(3)

Promote, through development plan approval, 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;

(5)

Create transitional areas between low intensity land uses and other intense land uses; and

(6)

Encourage major office development using the OF district to locate along the community's major transportation arteries identified in the comprehensive plan, which will provide adequate access to such development.

(e)

Permitted uses, OF (general office district).

SIC	Use	Conditions
	USES BY RIGHT:	
	Any accessory uses customarily and clearly incidental to any permitted use	
	Compound uses	
	Correspondence schools	
	Day care center	In accordance with article VI
	Newspaper establishments excluding on-site printing or warehouse facilities	
	Personal fitting and sale of prosthetic or orthopedic appliances	
	Places of religious assembly	In accordance with article VI .
	Professional schools	Cannot be located adjacent to property designated for single family on the future land use map of the comprehensive plan
	Public services vehicles	In accordance with article VI
	Residential uses up to 20 units per acre	
	Sales offices without warehousing, showrooms or retail space	

	Exercise studio	Only in an enclosed building
GN-074	Veterinary services	In accordance with article VI
GN-078	Landscape and horticultural services	Offices only, outdoor storage prohibited
MG-15	Building construction - General contractors and operative builders	Offices only
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-591	Drug stores and proprietary stores	Only when accessory to and in the same building as health services or offices of physicians, dentists and other health practitioners
Div. H	Finance, insurance and real estate	Excluding cemetery subdividers and developers (IN-6553)
MG-72	Personal services	Funeral services and crematories (GN-726) provided the requirements of article VI are met
MG-73	Business services	Excluding heavy construction equipment and leasing (IN-7353) and disinfecting and pest control services (IN-7342)
GN-801 through 805	Health services	Nursing and intermediate care facilities in accordance with article VI
GN-807	Medical and dental laboratories, home	Excluding blood banks (see uses by special use)

through 809	health care services and miscellaneous health and allied services not elsewhere classified	permit)
MG-81	Legal services	
GN-839	Social services not elsewhere classified	
MG-86	Membership organization	Excluding GN-864, civic, social and fraternal associations
MG-87	Engineering, accounting, research, management and related services	Excluding IN-8734, testing laboratories, and IN-8744, facility support management services
MG-94, 95 and 96	Public administration	
	USES BY SPECIAL USE PERMIT	
	Bed and breakfast establishment	In accordance with article VI
	Blood banks	Must have a two acre minimum lot size
	Food distribution center for the needy	In accordance with article VI
	Private schools	In accordance with article VI
	Public schools, other than institutions of higher learning	In accordance with the provisions of <u>section 30-77</u> , educational services district (ED)
	Rehabilitation centers	In accordance with article VI
	Residences for destitute people	In accordance with article VI

	Retransmission and microwave towers	Accessory transmission at heights higher than 100 feet in accordance with article VI
GN-832	Individual and family social services during daylight hours only	Excluding adult day care centers, multi-service centers (neighborhood), temporary relief services, social service centers (e.g., Salvation Army, etc.) and youth centers

(f)

Dimensional requirements for OF districts.

(1)

Minimum lot area: 6,000 square feet.

(2)

Minimum lot width at minimum front yard setback: 60 feet.

(3)

Minimum lot depth: 90 feet.

(4)

Minimum yard setbacks:

a.

Angle of light obstruction: 45 degrees.

b.

Where the side or rear yard abuts property which is in a residential district or is shown for residential use on the future land use map of the comprehensive plan, the minimum setback shall be 25 feet or the distance created by the angle of light obstruction, whichever is greater.

(5)

Accessory structures shall not exceed 25 feet in height.

(6)

Maximum lot coverage: 40 percent.

(7)

Maximum floor area ratio of principal structures: 1.00.

(g)

General requirements. All structures and uses within this district shall comply with the applicable requirements and conditions of section 30-60 and article IX.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3918, §§ 1, 2, 11-15-93; Ord. No. 3963, § 1, 3-14-94; Ord. No. 4056, §§ 40-56, §§ 2, 3, 1-23-95; Ord. No. 4075, § 5, 5-8-95; Ord. No. 951420, §§ 1, 2, 7-8-96; Ord. No. 030131, § 2, 10-13-03; Ord. No. 030752, § 2, 5-10-04; Ord. No. 041268, § 7, 8-22-05; Ord. No. 060017, § 2, 7-10-06; Ord. No. 070619, § 2, 3-24-08)

Sec. 30-60. - General provisions for office districts.

(a)

Development plan approval. Prior to the issuance of a building permit for development in any office district, with the exception of exclusively residential development of one building and four or fewer dwelling units, development plan approval shall be obtained in accordance with the provisions of article VII.

(b)

Parking. In order to receive and maintain a valid certificate of occupancy within all office districts, the parking requirements shall be complied with as set forth in article IX.

(c)

Landscaping. In order to receive and maintain a valid certificate of occupancy within all office districts, the landscaping requirements shall be complied with as set forth in article VIII.

(d)

Signs. In order to receive and maintain a valid certificate of occupancy within all office districts, the sign requirements shall be complied with as set forth in article IX.

(e)

Flood control. Prior to the issuance of a building permit in any office district, the provisions of the flood control district, article VIII, shall be complied with, where applicable.

(f)

Access to office uses. Where a parcel of property used for nonresidential use in any office district abuts more than one street, access from either street to such property will be permitted only if no property in any RSF-1, RSF-2, RSF-3, RSF-4 or RC residential district or shown for single-family residential use on the future land use map of the comprehensive plan lies immediately across such street from such office-zoned property; provided, however, access may be permitted from any major collector or arterial as shown on the official roadway map; and provided, further, that one point of access shall be permitted in any case, notwithstanding other provisions of this subsection.

(g)

Outdoor uses. All principal uses in any office district shall be contained within completely enclosed buildings. Outdoor storage is not permitted in any office district.

(Ord. No. 3777, § 1, 6-10-92; Ord. No. 3963, § 2, 3-14-94)

Editor's note—

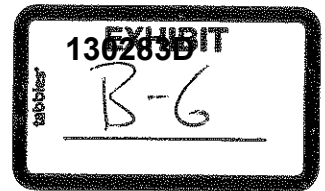
Section 30-60 was originally numbered in Ord. No. 3777 as § 30-59.1. The section was renumbered by Ord. No. 3963, § 2, adopted Mar. 14, 1994.



LAW OFFICES OF

BRUCE M. SMITH, P.A.

POST OFFICE BOX 357005
GAINESVILLE, FLORIDA 32635
(352) 377-5085
FAX (352) 375-3215



BRUCE M. SMITH

June 14, 2013

PERSONAL INJURY
WRONGFUL DEATH
AND RELATED MATTERS

City of Gainesville
Attention: Mr. Ralph Hilliard, Planning Manager
Planning/Zoning Department
Post Office Box 490, Station 11
Gainesville, Florida 32627-0490

RE: OWNER: HATTIE MAE SMITH/TAX PARCEL NO.: 10072-7
REQUEST/PERMISSION TO INITIATE REZONING

Dear Mr. Hilliard:

Please be advised that my law firm represents Ms. Hattie Mae Smith the property owner of tax parcel number 10072-7. It is the intent of the property owner to construct a commercial office building on the above listed tax parcel.

It is my understanding that before planning and construction can occur, the property must be rezoned back to its initial land use. Pursuant to your conversation with Mr. Stephen D. Bender, Ms. Hattie Mae Smith is requesting and giving the City of Gainesville permission to initiate the rezoning of the above listed tax parcel.

If you have any questions, concerns or need any additional information that will assist you, please feel free to contact me at (352) 377-5085 or in writing at the above address. Thank you in advance for cooperation and assistance.

Sincerely yours,

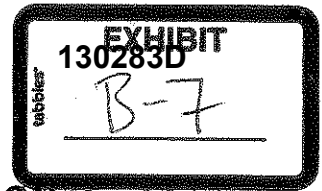
Bruce M. Smith

BMS:es


cc: Ms. Hattie Mae Smith
Mr. Stephen D. Bender

CITY OF GAINESVILLE

INTEROFFICE COMMUNICATION



TO: Dean Mimms, AICP, Lead Planner
Planning and Development Services Department

FROM: John Hendrix, Environmental Coordinator 

SUBJECT: Petitions PB-13-75 LUC and PB-13-76 ZON, City of Gainesville,
1.7 Acre Property at 2201 and 2219 N.E. 2nd Street.

DATE: July 29, 2013

The subject petitions for proposed changes in land use and rezoning for two contiguous parcels (10072-007-000 and 10072-006-001) at the subject addresses, located on the southeast corner of N.E. 23 Avenue and N.E. 2nd Street, have been reviewed for considerations relating to environmental resources which may be present on or immediately adjacent to the property. The petitions propose a land use change from Planned Use District (PUD) to Office (O), and rezoning from Planned Development District (PD) to General Office District (OF). The more northerly parcel (10071-007-000) is an undeveloped, wooded parcel located in the corner position facing both 23rd Avenue and 2nd Street. Parcel 10072-006-001 is a developed parcel facing 2nd Street.

The 1.7 acre property has been reviewed to determine if there are any environmental resources present or immediately adjacent which might be regulated by City Land Development Code 30-300 *Surface Waters and Wetlands*, or 30-310 *Natural and Archaeological Resources*. None of the resources regulated under these sections are present. The northern parcel of the property is forested by a natural pine-dominated community, while the southern parcel is developed by a single story building and parking area, with pine trees around the margin. The area of Special Environmental Concern associated with the Koppers-Beazer Superfund site extends up to the west side of 2nd Street, just across the street from the subject property. But, since the Environmental Concern area does not overlap the parcels in question, the property is not subject to those special area regulations.

No issues relating to regulated surface waters/wetlands or natural and archaeological resources are known to exist which might present a constraint or otherwise adversely affect the proposed land use and rezoning proposal.



Mimms, Dean L.

From: John Mousa <jjm@alachuacounty.us>
Sent: Tuesday, July 30, 2013 3:27 PM
To: Mimms, Dean L.; Gus Olmos
Cc: Hendrix, John W.
Subject: RE: Hazardou Waste question re: Petitions PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street, Gainesville

Dean,

Without a complete specific site assessment of the properties we cannot state that the property has no contamination. However it is accurate to state that based on limited review by ACEPD, the properties are not on an County, State or Federal list of contaminated sites.

John

From: Mimms, Dean L. [<mailto:mimmsdl@cityofgainesville.org>]
Sent: Tuesday, July 30, 2013 12:11 PM
To: John Mousa; Gus Olmos
Cc: Hendrix, John W.
Subject: RE: Hazardou Waste question re: Petitions PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street, Gainesville

John,

Is it accurate to state that the property is not on any federal, State, or County list of contaminated sites (contamination sources not limited to Cabot Koppers Superfund site)?

Dean

From: John Mousa [<mailto:jjm@alachuacounty.us>]
Sent: Tuesday, July 30, 2013 12:05 PM
To: Mimms, Dean L.; Gus Olmos
Cc: Hendrix, John W.
Subject: RE: Hazardou Waste question re: Petitions PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street, Gainesville

Dean,

I have reviewed our records for these parcels 10072-007-000 and 10072-006-001, located on the southeast corner of N.E. 23 Avenue and N.E. 2nd Street. ACEPD has no data to indicate that these properties are contaminated with hazardous chemicals associated with the Cabot Koppers Superfund site. This statement is based on review of available records and not based on any field observations.

John

From: Mimms, Dean L. [<mailto:mimmsdl@cityofgainesville.org>]
Sent: Tuesday, July 30, 2013 11:08 AM
To: Olmos, Gus (ACEPD)

Cc: John Mousa; Hendrix, John W.

Subject: Hazardou Waste question re: Petitions PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street, Gainesville

Hi Gus,

Could you please tell me whether or not any hazardous wastes or other environmental contaminants have been identified on the approximately 1.7-acre parcel described in the attached memorandum from John Hendrix (our Environmental Coordinator)? One parcel is undeveloped and wooded. The adjacent parcel of this 2-parcel property is developed (was once the site of the Szechuan Omei restaurant) and is currently used for a catering service (White Apron).

Ms. Sara Poll (who lives in the residential neighborhood one block to the east of the property) contended at yesterday evening's required neighborhood workshop for the proposed land use change to Office and rezoning (from expired PD for an eating place) to General office district that it is a contaminated property (due to Koppers).

Time-sensitive.

Thanks for your help! (I have copied John Mousa in case you are not available.)

Dean

*Dean Mimms, AICP
Lead Planner, Staff Liaison to the City Plan Board
Planning & Development Services Department
P.O. Box 490, Station 11
Gainesville, FL 32627
(352) 334-5022; (352) 393-8688
mimmsdl@cityofgainesville.org*

From: Hendrix, John W.
Sent: Monday, July 29, 2013 11:41 AM
To: Mimms, Dean L.
Subject: RE: PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street

Dean,

Hope this works for you.

John

From: Mimms, Dean L.
Sent: Thursday, July 25, 2013 5:27 PM
To: Hendrix, John W.
Subject: RE: PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street

Memo format would be helpful.

Thanks John!

From: Hendrix, John W.
Sent: Thursday, July 25, 2013 5:21 PM
To: Mimms, Dean L.
Subject: PB-13-75 LUC & PB-13-76 ZON, 1.7 acre property at 2201 and 2219 NE 2nd Street

Dean,

I have reviewed the subject property to determine if there are any environmental resources present or immediately adjacent which might be regulated by City Land Development Code *30-300 Surface Waters and Wetlands*, or *30-310 Natural and Archaeological Resources*. None of the resources regulated under these sections are present. The property is forested by a natural pine-dominated community, except for the area of the site which retains a structure from past development use. There are no environmental concerns related to the proposed use and zoning. If you need this review comment in the form of a memo, let me know.

John

Petition PB-13-76 ZON
August 22, 2013

Appendix C Application Package