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November 19, 2007

Pegeen Hanrahan, Mayor
City Commissioners
City of Gainesville
PO Box 490, Station 19
Gainesville, FL 32601-0490

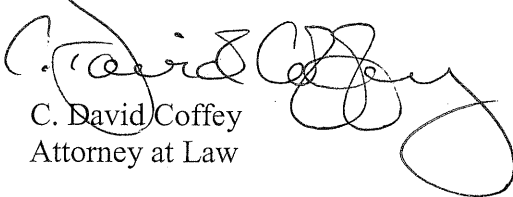
Re: LUC/OA096 PB Plum Creek/LandMar

Dear Mayor & Commissioners:

It has been suggested that I provide you with a copy of the proposed revised policy language for the above matter with all of the proposed new language indicated by underlining. Attached is the requested document. I hope this assists you in clearly understanding the changes now proposed.

Please do not hesitate to call me should you have questions regarding any aspect of the attached.

Sincerely,


C. David Coffey
Attorney at Law

Enc: Revised Policies

Cc: B. Jade Brown, P.E., LandMar Group, LLC
Todd Powell, Plum Creek Timberland, LP
Clay Henderson, Esq., Holland & Knight, LLP

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Proposed Future Land Use Element Amendment

Objective 4.3

The City shall establish protection and enhancement policies, as needed, for selected neighborhood (activity) and regional centers.

4.3.4 Due to the unique infrastructure and environmental constraints of the LandMar area as depicted on the map labeled LandMar Area in the Future Land Use Map Series A, the area shall be governed by the following policies:

A. Generally - Within all land use districts of the LandMar area:

1. Development shall be clustered to minimize encroachment upon environmentally significant features of the area; and
2. Wetlands shall not be impacted other than where necessary to achieve interconnectivity between upland properties; and
3. Wetlands shall be protected by wetland buffers that shall be a minimum of fifty (50) feet and an average of seventy-five (75) feet; and
4. Stormwater facilities shall not be permitted within required wetland buffers; and
5. Floodplain areas shall be protected so that at least ninety (90%) percent of existing floodplain areas shall not be altered by development, except that recreation and stormwater management may occur within not more than twenty (20%) of floodplain areas; and
6. Low impact development (LID) practices and stormwater best management practice strategies shall be used to the extent practicable to maintain or replicate the pre-development hydrologic regime; and
7. Existing functioning ecological systems on the property shall be retained to the extent practicable while accommodating the uses and intensity of uses authorized by the land use policies governing the LandMar area.
8. Maintain and enhance plant and animal species habitat and distribution by protecting significant plant and animal habitats, providing for habitat corridors, preventing habitat fragmentation by requiring a detailed survey of listed species, identifying habitat needs for maintaining species diversity and sustainability; preserving wetlands and at least 25% of the upland area. Listed species are those species of plants and animals listed as endangered, threatened, rare, or species of special concern by the state and federal plant and wildlife agencies, or species ranked as S1, S2, or S3 the Florida Natural Areas Inventory (FNAI) on November 1, 2007.

9. Wetlands, wetland buffers, floodplain and upland habitat areas to be protected shall be identified as Conservation Management Areas and protected by a perpetual conservation easement in favor of the City or a tax exempt land trust doing business within Alachua County, Florida. Activities within the Conservation Management Areas shall be as set forth in a Conservation Management Plan approved by the City in consultation with Alachua County Environmental Protection Department.
10. To protect the rural character of SR 121 and CR 231, Planned Developments adopted within the LandMar area shall impose standards that address minimum required setback from the two roadways, retention of existing vegetation and supplemental vegetative plantings, fencing and other forms of screening. Except where access to the property is provided, a minimum 50 foot vegetative buffer shall be retained along both sides of SR 121 and CR 231 within the LandMar area.

B. Conservation Land Use Areas- All areas designated Conservation land use shall receive a zoning district designation of Conservation and shall not be permitted to have any residential units, and there shall be no transfer of density to other areas. No development, other than crossings to achieve interconnectivity between upland properties and passive recreational uses is allowed

C. Single-Family and Planned Use District Land Use Areas –

1. All areas designated Single-Family and Planned Use District land use shall be implemented by Planned Development (PD) zoning. The required rezoning to PD may occur in increments over time upon request of the property owner and approval by the City. Until such rezonings to PD occur, the zoning designations shall remain Agriculture for all areas designated Single-Family land use; and
2. All areas rezoned to PD shall be designed to be traffic-calmed and pedestrian friendly; and
3. The PD rezoning for each area shall ensure that allowed uses are integrated within the existing site landscape in a way that reasonably assures:
 - a. Preservation of the ecological integrity of the ecosystems of the area by creating and maintaining connectivity between habitats, minimizing natural area fragmentation, and protecting wetlands, associated uplands, and floodplains as indicated in Policy 4.3.4 A above; and
 - b. Preservation or enhancement of existing wetlands with approved treated stormwater to wetlands, limiting impacts to such wetlands to crossings necessary to achieve interconnectivity between upland

properties and requiring that any such crossings be designed to minimize wetland impacts.

4. The PD zoning for each area shall require that appropriate “low impact development” (LID) techniques for the site are to be implemented. The applicant shall provide proof at rezoning to PD that a responsible entity will permanently provide for proper maintenance of the LID functional landscape. LID is a site design strategy for maintaining or replicating the pre-development hydrologic regime through the use of design techniques that create a functionally equivalent hydrologic landscape. Hydrologic functions of storage, infiltration, and ground water recharge, plus discharge volume and frequency are maintained by integrated and distributed micro-scale stormwater retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. Other LID strategies include, but are not limited to, the preservation/protection of environmentally sensitive site features such as wetlands, wetland buffers and flood plains. Each rezoning to PD shall include conditions requiring appropriate LID practices. Such practices may include, but are not limited to:
 - a. Development that adheres to the principles of “New Urbanism” or “Traditional Neighborhood Development”.
 - b. Clustering of development.
 - c. Bioretention areas or ‘rain gardens.’
 - d. Grass swales
 - e. Permeable pavements
 - f. Redirecting rooftop runoff to functional landscape areas, rain barrels or cisterns.
 - g. Narrowing street widths to the minimum width required to support traffic, on-street parking where appropriate, and emergency vehicle access.
 - h. Elimination of curb and gutter where appropriate.
 - i. Minimization of impervious surfaces through use of shared driveways and parking lots.
 - j. Reduction in impervious driveways through reduced building setbacks.
 - k. Reduction in street paving by providing reduced street frontages for lots.
 - l. Permanent educational programs to ensure that future owners and residents of the site have an opportunity to fully understand the purpose, function, and maintenance of each LID component.

- m. Limitations on the amount of turf allowed within the site and standards for implementation of best management practices for such turf.
- 5. Implementation of appropriate “firewise” community planning practices.
- 6. A master storm water management plan for each area proposed for rezoning to PD must be prepared and submitted to the City for review and approval before final development orders can be approved.

D. Single-Family Land Use Areas:

- 1. All areas designated Single-Family land use shall be rezoned to PD prior to issuance of development permits within the rezoned area; and
- 2. The areas designated Single-Family land use shall be limited to a total maximum gross residential density of 1.25 residential units per acre; and
- 3. A 100-foot natural and/or planted buffer shall be retained for the Conservation Area along the eastern edge of the property; and
- 4. A natural and/or planted 25-foot buffer shall be retained along the western property line abutting the Gainesville Regional Utilities Deerhaven power plant site.

E. Planned Use District Land Use Areas:

- 1. Development in the Planned Use District areas shall maximize pedestrian/bicycle connections among all uses (residential and non-residential) and shall maximize pedestrian and bicyclist safety and comfort. A network of sidewalks and street trees shall be provided on all internal streets. Sidewalk connections shall be made from the internal sidewalk system to the public right of way adjoining the Planned Use District. To minimize traffic impacts on SR 121, the implementing PDs shall maximize internal connectivity between residential and mixed-use areas.
- 2. The PDs associated with the Planned Use District shall provide for transit access approved by RTS and may be required to provide comfortable, multi-use transit stations if transit service is made available to the area by the Gainesville Regional Transit System.
- 3. The implementing PDs district zoning for the Planned Use District areas shall be subject to the following standards:
 - a. A PD (planned development) zoning ordinance consistent with the planned use district must be adopted by the City Commission within 18 months of the effective date of the land use change. The obligation to apply for and obtain PD zoning shall be on the

owner/developer. If the aforesaid zoning ordinance is not adopted within the 18-month period, then the overlay planned use district shall automatically be null and void and of no further force and effect and the overlay land use category shall ministerially be removed from the Future Land Use Map, leaving the original and underlying land use in place. The timely filing of an extension application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration date until final City Commission action on the extension application.

- b. The Planned Use District areas shall allow mixed uses such as residential, office, business retail, professional and financial services, schools, places of religious assembly and community facilities. The areas shall be implemented by PD zoning which shall generally adhere to the requirements of the City's Traditional Neighborhood Development District standards.
- c. A maximum of 540 residential units shall be permitted throughout the entire 90 acres of Planned Use District land use. Residential uses above non-residential uses are allowed and encouraged. Residential types allowed include townhouses, apartments, plus attached and detached single-family homes.
- d. A maximum of 100,000 square feet of non-residential use shall be allowed. A maximum of 80,000 square feet shall be permitted as commercial use. Except as may be otherwise provided in the implementing PD zoning ordinance, each building within this zone shall be allowed to be mixed with residential above non-residential uses. Each implementing PD shall provide detailed and specific design standards governing all aspects of development within the PD.
- e. Urban design standards that ensure compatibility among the various allowed uses shall be included as conditions of approval of the PD. Additional standards may be required to address noise and lighting to further assure compatibility.
- f. The PD zoning shall, through design and performance measures, assure the neighborhood, pedestrian quality of the area by regulating building type and scale, overall building appearance and orientation, placement and function of parking, loading, waste disposal, access points, outdoor uses and mechanical equipment, signage and landscaping.
- g. Open space shall be provided where appropriate as common open space serving conservation, recreation and civic needs of the Planned Use District areas.

F. Miscellaneous Provisions

1. Prior to the second reading of the land use amendment ordinance(s) for the LandMar area, the developer shall sign a binding agreement acknowledging developer responsibility for proportionate fair-share mitigation for the transportation level of service (LOS) impacts associated with the maximum amount of development identified in the future land use map amendment. The City shall amend the 5-Year Schedule of Capital Improvements to show the developer funding for required transportation modifications to maintain adopted LOS and funding provided by the proportionate fair share agreement. If sufficient funds are not available for the required transportation modifications, the developer shall be required to limit the development program associated with the land use amendment to that which would not degrade the transportation LOS below the adopted LOS for impacted roads after taking into account all improvements funded in the 5-Year Schedule of Capital Improvements.
2. The LandMar area shall be limited to the maximum levels of development specified below for the initial phase until such time that adequate public facilities and services at the City's adopted levels of services are demonstrated for subsequent phases. Each phase of development is required to be submitted and reviewed in its entirety, and each phase shall be analyzed showing the cumulative impacts of previously approved phases.

The initial phase of development within the first five years shall consist of:

581 residential units, which shall include a maximum of 481 single-family detached units and 100 multi-family units (subject to an approved traffic study that shows adequate transportation LOS).

Subsequent to build-out of the first phase, a complete analysis shall be provided that demonstrates the availability of adequate public facilities as adopted in the City's LOS standards. Until such time that the developer can demonstrate or fund adequate public facilities, the development shall be limited to the initial phase of the development.

All recreation facilities required to ensure that the City's Recreation LOS standards are maintained shall be specified in the PD rezoning application. Such recreation facilities shall include both passive and active recreational facilities including nature trails, a nature park, basketball and/or tennis courts and various types of play areas. Many of the single-family areas

along with portions of the PUD areas shall be built around pocket parks of various types. At the development stage for each phase and section of the project, recreational amenities needed to meet the demands of those units will be provided by the owner/developer as required by the Gainesville Comprehensive Plan facilities and substitution lists. All recreational amenities will be provided at the cost of the owner/developer. Recreation facilities shall be provided on-site to ensure that the needs of future residents that may inhabit the LandMar area are met on-site, provided that a portion of the recreation need may be met through cooperative development of active recreation facilities on the adjacent property (tax parcel 07781-002-000) owned by the Suwannee River Water Management District.

3. All proposed access points to CR 231 must be approved by the Alachua County Public Works Department. All proposed access points onto SR 121 must be approved by the FDOT.
4. Due to the limited capacity of SR 121, the owner/developer shall provide a traffic study acceptable to the City, Alachua County, and the Florida Department of Transportation prior to the application for each PD rezoning. The study shall analyze issues related to transportation concurrency, operational and safety concerns, and shall propose appropriate mitigation for the transportation impacts of the development.
5. Land use changes for the LandMar area do not vest future development for concurrency. The owner/developer is required to apply for and meet concurrency management certification requirements, including transportation mitigation at the time of each PD rezoning application.
6. At such time that cumulative development of the 1,754 acres of the subject property reaches the threshold for a DRI, there shall be no more rezonings to PD and no more development plan approvals until the DRI development order has been approved and taken effect.

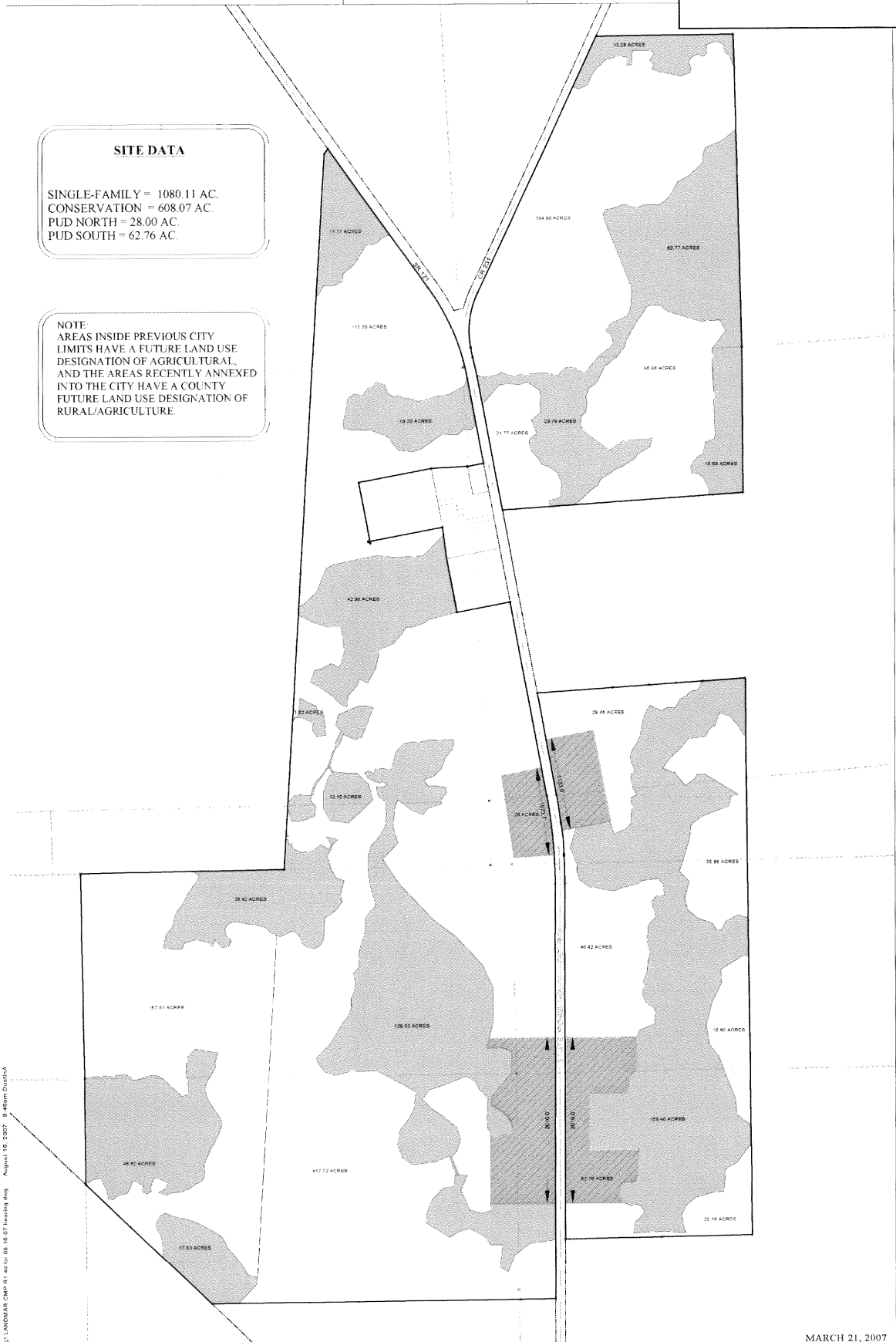
LANDMAR AREA

Future Land Use

SITE DATA

SINGLE-FAMILY = 1080.11 AC.
 CONSERVATION = 608.07 AC.
 PUD NORTH = 28.00 AC.
 PUD SOUTH = 62.76 AC.

NOTE:
 AREAS INSIDE PREVIOUS CITY
 LIMITS HAVE A FUTURE LAND USE
 DESIGNATION OF AGRICULTURAL,
 AND THE AREAS RECENTLY ANNEXED
 INTO THE CITY HAVE A COUNTY
 FUTURE LAND USE DESIGNATION OF
 RURAL/AGRICULTURE.



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LAND USE
 [White Box] = SINGLE-FAMILY
 [Grey Box] = PLANNED USE DISTRICT
 [Hatched Box] = CONSERVATION

LANDMAR SR-121 OVERALL SITE
 SCALE: 1" = 500'-0"
 Attachment A

MARCH 21, 2007