

**MEMORANDUM**  
**Office of the City Attorney**

LEGISLATIVE ITEM NO. 070210

Box 46

Phone: 334-5011/Fax 334-2229

**TO:** Mayor and City Commission

**DATE:** June 9, 2008

**FROM:** City Attorney

CITY ATTORNEY  
FIRST READING

**SUBJECT:** Ordinance No. 0-07-97, Petition 23LUC-07PB

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element and Future Land Use Map; by overlaying the "Planned Use District" category over certain property with the underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation," as more specifically described in this ordinance, consisting of approximately 498 acres, generally located in the vicinity of Waldo Road on the East, NE 39<sup>th</sup> Avenue on the South, NE 15<sup>th</sup> Street on the West, and NE 53<sup>rd</sup> Avenue on the North; by creating and adopting Policy 4.3.5 in the Future Land Use Element of the Comprehensive Plan; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

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**Recommendation:** The City Commission (1) hear a presentation from staff regarding the meeting of city staff, GACRAA representatives and the petitioner on May 7, 2008 concerning possible residential development within the Industrial land use area; (2) consider the six unresolved conditions described in **ATTACHMENT 1**; and (3) adopt the proposed ordinance on first reading as submitted, or as revised.

**PLANNING DEPARTMENT STAFF REPORT**

As described in the background section below, the Petition as finally amended and approved by the City Commission on April 16, 2008, left several conditions to be further discussed by staff and the petitioner and reported back to the City Commission. Although there have been discussions and communications between staff and the petitioner, as of the date of publication of this memorandum, staff and petitioner have not reached consensus on six conditions. The analysis and recommendation of staff regarding these six conditions is attached to this Memorandum as **ATTACHMENT 1**.

**BACKGROUND**

By way of background, this was a request to change the land use on approximately 498 acres in order to allow up to 1,499 residential dwelling units (80% or more age restricted), a maximum of

500 Assisted Living Facility (ALF) beds and up to 200,000 square feet of non-residential uses, including commercial and retail. The subject property surrounds the City of Gainesville's Ironwood Golf Course and is undeveloped. It is traversed by Little Hatchet Creek and its associated floodplains and contains forested wetlands and uplands. Surrounding uses include developed and undeveloped single-family residential land, GRU's Murphree water treatment plant and wellfield, undeveloped rural/agricultural land, a mobile home park and Gainesville Regional Airport across Waldo Road to the east. The amount of development on the subject property is limited due to development restrictions and constraints that include but are not limited to Airport Hazard Zoning Regulations, wetlands and surface water regulations, wellfield protection, floodplain, and concurrency requirements. Of particular impact on potential residential development is the Airport Noise Zone (applies to approximately 359 acres of the subject property), which prohibits residential development that is not compatible with the Gainesville Regional Airport's official 14CFR Part 150 Study (1986).

On September 20, 2007, September 27, 2007 and October 4, 2007, the Plan Board heard presentations by staff and by the applicant, heard public comments, discussed the petition and the various proposed conditions of approval, and after approximately 13 hours of public hearing, made its recommendation on the proposed PUD. The main issues of concern to the Plan Board were land use compatibility with the surrounding uses particularly with respect to Gainesville Regional Airport, environmental compatibility particularly with respect to wetlands and surface waters, residential use incompatibility with the Airport Noise Zone, and determination of the appropriate level of specificity for conditions in the PUD ordinance. At the end of the third public hearing, the Plan Board voted to approve the staff recommendation to deny the proposed PUD for the portion of the property with Industrial land use and to approve the PUD for areas with Single Family, Residential and Recreational land use provided that no residential uses be allowed in the Airport Noise Zone. The Plan Board approved 200,000 square feet of non-residential uses, 500 ALF units and 1,199 residential units, made several revisions to the staff-recommended conditions, and added a condition pertaining to the prohibition of gated communities.

On October 22, 2007, October 23, 2007, and October 29, 2007, the City Commission heard presentations by staff and by the applicant, heard public comments, discussed the Petition and the Plan Board's recommendation and at the end of the third public hearing, by a vote of 4-3, the City Commission approved the Petition with conditions as recommended by the Plan Board and revised by the City Attorney, with the following further revisions:

- Amend Condition S by adding the underlined language "a maximum of 2 access points shall be allowed along NE 53rd Avenue unless additional access points are approved by Alachua County and the City of Gainesville, in accordance with the Alachua County Access Management Regulations";
- Amend Condition X by adding the underlined language "The developer shall be responsible for the costs of any new traffic signals that are warranted as a result of the development's site related impacts and the costs shall not be counted toward any required proportionate fair share contribution for transportation concurrency";
- Allow Assisted Living Facility but leave the number of beds to be determined upon further analysis (certificate of need process);
- Allow customary accessory uses exclusively for residents and their guests for an active adult community; and

- Amend Condition N by adding the underlined language: "acceptable to the City of Gainesville in accordance with the traffic calming practices outlined by the Institute of Transportation Engineers."

On March 24, 2008, at the request of the Petitioner, the City Commission scheduled a special meeting for April 16, 2008, to again review the approved Petition. At the public hearing on April 16, 2008, the City Commission, by a vote of 4-3, again approved the Petition, further amended as follows:

- The PUD would include the entire 500 acres;
- Approve 1,199 residential units and the 300 ALF beds, reserving the right for the petitioner to come back before the Commission to request an additional 300 residential units;
- No residential development or ALF beds allowed in the Airport Noise Zone;
- No Residential development in the eastern portion of the PUD currently with the land use category of "Industrial" (approximately 199 acres), but directed the Airport Authority, the petitioner and City staff, including the City Attorney, to attempt to identify properties within the Industrial area that could have residential use and not adversely impact airport operations;
- For any non-residential development within the portion of the land currently with the land use category of "Industrial", the only allowable uses shall be those permitted uses identified in the Industrial Zoning Ordinance or zoning category, as well as recreational facilities or lands, parks, open space, conservation, open space buffers, and mitigation areas, accept as otherwise prohibited by the Airport Runway Clear Zone, Airport Height Notification Zone, or the Airport Noise Zone;
- Approve Condition E, but ensure that the impacts to the wetlands that take place by the petitioner results in improvement to that area, and that would include the entire 500 acres;
- For Conditions Q and S, that the Commission receive and review staff's standards as they bring those back, but also, that the petitioner work with staff to bring back the trip generation information that was requested by staff; and
- In Condition Z-5 that the language would be as recommended by staff concerning the age makeup of the population (80% age 55 and older and 20% younger families); and

#### CITY ATTORNEY MEMORANDUM

Florida Statutes set forth the procedure for adoption of an amendment to the Comprehensive Plan. The first hearing is held at the transmittal stage and must be advertised seven days prior to the first public hearing. The second hearing will be held at the adoption stage of the ordinance and must be advertised five days before the adoption hearing.

If adopted on first reading, the proposed amendment to the Comprehensive Plan will be transmitted to the State Department of Community Affairs (DCA) for written comment. Any comments, recommendations or objections of the DCA will be considered by the Commission at the second public hearing.

Following second reading, the Plan amendment will not become effective until the DCA issues a final order determining the adopted amendment to be in compliance in accordance with the Local

Government Comprehensive Planning and Land Development Regulation Act, or until the Administration Commission (Governor and Cabinet) issues a final order determining the adopted amendment to be in compliance.

Prepared by:



Nicolle M. Shalley  
Assistant City Attorney II

Approved and  
submitted by:



Marion J. Radson  
City Attorney

MJR/NS/sw



1           For purposes of this PUD, the Airport Noise Zone is the area depicted on  
2           Attachment 3 to the Appendix F – Airport Hazard Zoning Regulations,  
3           Chapter 30, Gainesville Code of Ordinances adopted on May 10, 1999 as  
4           Ordinance 981149, a copy of Attachment 3 is attached hereto as Exhibit  
5           “B.” If the City amends the Airport Noise Zone after the effective date  
6           of this PUD and such amendment results in areas of land that were in the  
7           Airport Noise Zone, but no longer are within the newly adopted airport  
8           noise zone, the City Commission, at the PD zoning stage, may allow  
9           residential development in that area upon a City Commission finding that  
10           (1) residential development in that area is compatible with the Airport  
11           operations, including without limitation, flight operations, and (2) that  
12           the site for which the units are proposed is suitable for residential  
13           development.

14  
15           **Condition d.2(a): With the inclusion of the above language into condition d, staff**  
16           **can recommend the following substitute for condition d.2.(a), thereby potentially**  
17           **allowing residential development on lands with the underlying land use designation**  
18           **of Industrial:**

19  
20           d. 2. (a) Residential development, including ALF beds, is allowed; ~~except~~  
21           ~~that on lands with the underlying land use designation of Industrial, no~~  
22           ~~residential development, including ALF beds is allowed.~~

23  
24           **Condition h: The City Commission motion approving the condition re: wetlands**  
25           **impacts further stated “but ensure that the impacts to wetlands that take place by**  
26           **the petitioner results in improvement to that area, and that would include the entire**  
27           **500 acres.” Staff recommends the following substitute for condition h. to**  
28           **accomplish the Commission’s intent:**

29  
30           h. All direct impacts to jurisdictional wetlands, wetland buffers, and  
31           regulated creeks shall be avoided to the extent practicable. All  
32           unavoidable, direct wetland and creek impacts shall be mitigated in  
33           accord with applicable City of Gainesville and water management  
34           district requirements. Any required on-site mitigation will be part of and  
35           will not supersede other wetland mitigation requirements of the  
36           comprehensive plan, land development code, and the water management  
37           district. There shall be no net loss of wetland acreage and function within  
38           the planned use district. In addition, if wetland impacts are proposed at  
39           the time of application for PD zoning or a subsequent application for  
40           development approval, the owner/developer shall submit a plan for  
41           improvement of surface water and wetland function within the Planned  
42           Use District and, subject to City review and approval, the plan of  
43           improvement shall be incorporated into the PD zoning ordinance or  
44           subsequent development approval.

1 **Condition t:** City staff continues to support the limitation on number of drive-  
2 through facilities in the PUD; however, if the City Commission desires to allow for  
3 the possibility of more drive-through facilities, City staff suggests the following  
4 alternative condition t that provides standards:  
5

- 6 t. A maximum total of three drive-through facilities shall be allowed on the  
7 street frontages of NE 53<sup>rd</sup> Avenue and NE 39<sup>th</sup> Avenue. No direct  
8 access from NE 39<sup>th</sup> Avenue or NE 53<sup>rd</sup> Avenue shall be allowed for  
9 these three drive-through facilities. All access to the drive-through  
10 facilities shall be from the internal roadway system (the internal roadway  
11 system shall include public and private roads and internal driveway  
12 systems) in the planned use district. Additional drive-through facilities  
13 that are entirely internal to the PUD shall be determined in the PD zoning  
14 ordinance. The PD zoning ordinance shall specify the design criteria for  
15 all drive-through facilities and shall include a phasing schedule to ensure  
16 a mix of drive-through facilities, residential uses, and other  
17 commercial/office uses in the planned use district. The trip generation  
18 associated with drive-through facilities shall limit the total number of  
19 drive-through facilities such that the total maximum trip generation  
20 shown for the 100,000 square feet of shopping center use as calculated  
21 by the traffic study dated 4/3/08 (prepared by GMB Engineers &  
22 Planners, Inc.) is not exceeded for the PUD.  
23

24 **Condition v:** City staff recommends the following substitute condition v (formerly  
25 known as Condition S) to clarify the meaning of internal road system and private  
26 road system:  
27

- 28 v. A maximum of two access points shall be allowed along NE 53<sup>rd</sup> Avenue  
29 unless additional access points are approved by Alachua County and the  
30 City of Gainesville, in accordance with the Alachua County Access  
31 Management regulations, and the locations shall be included in the PD  
32 zoning application. All access points are subject to Alachua County and  
33 City of Gainesville approval at the PD zoning stage and shall be  
34 specified in the PD zoning ordinance. To minimize traffic impacts from  
35 the Hatchet Creek planned use district on NE 53<sup>rd</sup> Avenue, the  
36 owner/developer shall interconnect the access points on NE 53<sup>rd</sup> Avenue  
37 with the internal public or private road system in the Hatchet Creek  
38 development. The private road system interconnections shall be  
39 interpreted to include internal driveway systems.  
40





ORDINANCE NO. \_\_\_\_\_  
0-07-97

An Ordinance amending the City of Gainesville 2000-2010 Comprehensive Plan Future Land Use Element and Future Land Use Map; by overlaying the "Planned Use District" category over certain property with the underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation," as more specifically described in this ordinance, consisting of approximately 498 acres, generally located in the vicinity of Waldo Road on the East, NE 39<sup>th</sup> Avenue on the South, NE 15<sup>th</sup> Street on the West, and NE 53<sup>rd</sup> Avenue on the North; by creating and adopting Policy 4.3.5 in the Future Land Use Element of the Comprehensive Plan; providing time limitations; providing directions to the City Manager; providing a severability clause; providing a repealing clause; and providing an effective date.

WHEREAS, publication of notice of a public hearing that the Future Land Use Map be amended by overlaying the land use category of "Planned Use District" over certain property with the underlying land use categories of "Single-Family (up to 8 units per acre)," "Industrial," and "Recreation"; and

WHEREAS, notice was given and publication made as required by law and public hearings were held by the City Plan Board on September 20, 2007, September 27, 2007 and October 4, 2007; and

WHEREAS, notice was given and publication made as required by law and public hearings on the Petition were held by the City Commission on October 22, 2007, October 23, 2007, October 29, 2007, and April 16, 2008; and

WHEREAS, pursuant to law, an advertisement no less than two columns wide by 10 inches long was placed in a newspaper of general circulation notifying the public of this proposed

1 ordinance and of the Public Hearing to be held in the City Commission Meeting Room, First Floor,  
2 City Hall, in the City of Gainesville at least seven (7) days after the day the first advertisement was  
3 published; and

4 **WHEREAS**, pursuant to law, after the public hearing at the transmittal stage, the City of  
5 Gainesville transmitted copies of this proposed change to the State Land Planning Agency; and

6 **WHEREAS**, a second advertisement no less than two columns wide by 10 inches long was  
7 placed in the aforesaid newspaper notifying the public of the second Public Hearing to be held at  
8 the adoption stage at least five (5) days after the day the second advertisement was published; and

9 **WHEREAS**, public hearings were held pursuant to the published and mailed notices  
10 described above at which hearings the parties in interest and all others had an opportunity to be and  
11 were, in fact, heard.

12 **WHEREAS**, prior to adoption of this ordinance the City Commission has considered the  
13 comments, recommendations and objections, if any, of the State Land Planning Agency.

14 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE**  
15 **CITY OF GAINESVILLE, FLORIDA:**

16 **Section 1.** The Future Land Use Map of the City of Gainesville 2000-2010 Comprehensive  
17 Plan is amended by overlaying the "Planned Use District" future land use category on the following  
18 described property with the underlying land use categories of "Single-Family (up to 8 units per  
19 acre)," "Industrial," and "Recreation," all as more specifically described and shown as follows:

20 See map, labeled as "Hatchet Creek Planned Use District" dated  
21 May 29, 2008, attached hereto as Exhibit "A", and made a part  
22 hereof as if set forth in full.

1  
2 The map attached as Exhibit "A" is adopted and added to the Future Land Use Map  
3 Series A of the City of Gainesville Comprehensive Plan.

4 **Section 2.** Goal 4, Objective 4.3 of the Future Land Use Element of the City of Gainesville  
5 2000-2010 Comprehensive Plan is amended by creating and adding Policy 4.3.5, which shall  
6 govern and control the use and development of the property described in Exhibit "A." Except as  
7 amended herein, Goal 4, its Objectives and its Policies, all remain in full force and effect:

8 Goal 4

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

15 Objective 4.3

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

18  
19  
20 Policy 4.3.5 Due to the unique infrastructure and environmental constraints of the Hatchet Creek  
21 Planned Use District (the "PUD"), as depicted on the map labeled Hatchet Creek  
22 PUD Area in the Future Land Use Map Series A, the PUD shall be governed by the  
23 following conditions:

24  
25 a. The residential density and allowable residential uses within the PUD is a  
26 maximum of 1,199 residential units and 300 Assisted Living Facility  
27 (ALF) beds.

28  
29 b. The non-residential intensity and allowable non-residential uses within the  
30 PUD is a maximum of 200,000 square feet of non-residential uses (to  
31 include a maximum of 100,000 square feet of retail space, a maximum of  
32 100,000 square feet of office space and accessory uses customarily and  
33 clearly incidental to an active adult community). Any such accessory uses  
34 shall be for the exclusive use of the residents of the PUD and their guests

and shall be specified in the Planned Development ("PD") zoning ordinance. In addition, the PUD may include recreational facilities as accessory uses that are customarily and clearly incidental to an active adult community or parks, open space, conservation, open space buffers and mitigation areas.

c. The actual amount of residential units and non-residential development area will be specified in the PD zoning ordinance as limited by the city, county and state development restrictions and constraints, including but not limited to, wetlands and surface water regulations, wellfield protection, floodplain requirements, concurrency and airport hazard zoning regulations.

d. The allowable uses within the PUD shall be as restricted as described below and as more specifically described in the PD zoning ordinance.

1. Within the Airport Noise Zone, subject to the Airport Hazard Zoning Regulations:

(a) No residential development, including ALF beds, is allowed.

(b) Non-residential (retail, office and accessory uses to residential) development is allowed, as well as recreational facilities as accessory uses that are customarily and clearly incidental to an active adult community or parks, open space, conservation, open space buffers and mitigation areas; except that on lands with the underlying land use designation of Industrial, the non-residential development shall be limited to permitted retail and office uses identified in the Limited Industrial (I-1) zoning district.

2. Outside of the Airport Noise Zone, subject to the Airport Hazard Zoning Regulations, to the extent same are applicable:

(a) Residential development, including ALF beds, is allowed; except that on lands with the underlying land use designation of Industrial, no residential development, including ALF beds is allowed.

(b) Non-residential (retail, office and accessory uses to

1 residential) development is allowed, as well as recreational  
2 facilities as accessory uses that are customarily and clearly  
3 incidental to an active adult community or parks, open  
4 space, conservation, open space buffers and mitigation  
5 areas.

6  
7 e. All non-residential areas in the PUD shall be connected to the residential  
8 areas in the PUD by an interior roadway system and/or a  
9 pedestrian/bicycle/golf cart system. All pedestrian sidewalk systems in the  
10 PUD shall comply with the Florida Accessibility Code for Building  
11 Construction requirements.

12  
13 f. A PD (planned development) zoning ordinance consistent with the PUD  
14 must be adopted by the City Commission within 18 months of the  
15 effective date of the land use change. The obligation to apply for and  
16 obtain PD zoning shall be on the owner/developer. If the aforesaid zoning  
17 ordinance is not adopted within the 18-month period, then the overlay  
18 PUD shall automatically be null and void and of no further force and effect  
19 and the overlay land use category shall ministerially be removed from the  
20 Future Land Use Map, leaving the original and underlying land use  
21 categories in place. The timely filing of an extension application by the  
22 owner/developer to extend the aforesaid 18-month period shall toll the  
23 expiration date until final City Commission action on the extension  
24 application.

25  
26 g. A current and complete wetlands survey for the entire property shall be  
27 submitted to the City of Gainesville and to the St. Johns River Water  
28 Management District at the time of application for PD zoning. Formal  
29 approval of wetland delineations for the entire property by the water  
30 management district is required prior to the public hearing on the PD  
31 zoning petition by the City Plan Board.

32  
33 h. All direct impacts to jurisdictional wetlands, wetland buffers, and  
34 regulated creeks shall be avoided to the extent practicable. All  
35 unavoidable, direct wetland and creek impacts shall be mitigated in accord  
36 with applicable City of Gainesville and water management district  
37 requirements. There shall be no net loss of wetland acreage and function  
38 within the PUD. Any required on-site mitigation will be part of and will  
39 not supersede other wetland mitigation requirements of the comprehensive  
40 plan, land development code, and the water management district.

- 1            i. All pedestrian and/or bicycle pathways, trails, and sidewalks shall be  
2            located outside of wetland buffer areas and outside of creek buffer areas,  
3            except as may be established and shown for good cause by the  
4            owner/developer and then provided for in the PD zoning ordinance.  
5
- 6            j. Protection of the State-listed animal species Gopher tortoise (Gopherus  
7            polyphemus) listed as a Species of Special Concern in Rule 68A-27.005,  
8            Florida Administrative Code, located in the remnant sandhills east of the  
9            Ironwood Golf Course, and documented in the applicant's Hatchet Creek  
10           Planned Use District Report dated March 2007, is required and shall be  
11           established in the PD zoning ordinance. Protection of the documented  
12           population may be accomplished by establishing a designated protection  
13           area in the planned development zoning ordinance that meets all  
14           applicable requirements of the City's significant ecological communities  
15           district (Sec. 30-309, Land Development Code) and all applicable  
16           requirements of the Florida Administrative Code.  
17
- 18           k. The owner/developer shall submit an environmental features report (in  
19           accordance with the requirements of the Significant Ecological  
20           Communities zoning district Section 30-309, Gainesville Code of  
21           Ordinances) with the application for planned development zoning. As part  
22           of this report, the highest-quality uplands shall be delineated and  
23           development within these high-quality areas shall be restricted.  
24
- 25           l. The application for planned development district zoning shall include  
26           requirements for the use of native vegetation landscaping and for the  
27           removal of invasive trees and shrubs.  
28
- 29           m. A master stormwater management plan for the entire PUD shall be  
30           prepared by the owner/developer. The plan shall include provisions for  
31           protecting the water quality of Little Hatchet Creek, particularly with  
32           respect to stormwater runoff from any future development within the  
33           planned use district. A conceptual master stormwater management plan  
34           application shall be submitted at the time of application for PD zoning.  
35           The subsequent master stormwater management plan must be approved by  
36           the City Manager or designee prior to final development plan approval.  
37           The master stormwater management plan for the project shall be modified  
38           for undeveloped phases in order to comply with the statewide water  
39           quality rule once it is adopted. The water quality leaving the site shall be  
40           addressed in the PD zoning ordinance.  
41

- 1 n. Buffer and setback requirements for the wetlands and creeks in the PUD  
2 shall be specified in the PD zoning ordinance and shall be in accordance  
3 with the land development code, including the significant ecological  
4 overlay district requirements based upon review of the required  
5 environmental features report that shall be submitted with the application  
6 for PD zoning.
- 7
- 8 o. Buffer requirements pertaining to adjacent uses (including the municipal  
9 golf course) will be provided by the owner/developer in the application for  
10 PD zoning and, subject to City review and approval, shall be included in  
11 the PD zoning ordinance. These buffers shall be designed to minimize the  
12 impact on and adequately buffer the adjacent uses.
- 13
- 14 p. The PUD shall not vest the development for concurrency. The  
15 owner/developer is required to apply for and meet concurrency  
16 management certification requirements, including all relevant policies in  
17 the Concurrency Management Element, at the time of application for PD  
18 zoning. Transportation modifications which are required due to traffic  
19 safety and/or operating conditions, and which are unrelated to  
20 transportation concurrency shall be provided by the owner/developer.
- 21
- 22 q. Internal roadways shall be designed to minimize cut-through traffic, to  
23 provide for bicycle and pedestrian access and connectivity, and shall  
24 include traffic calming (low design speed) methods (e.g., speed tables,  
25 speed humps, “neck-downs”, roundabouts) acceptable to the City of  
26 Gainesville in accordance with the traffic calming practices outlined by the  
27 Institute of Transportation Engineers.
- 28
- 29 r. Sidewalks shall be provided on all internal streets. Sidewalk connections  
30 shall be made from the internal sidewalk system to the existing and  
31 planned public sidewalks along the development frontage. All sidewalks  
32 and sidewalk connections shall be a minimum of 5-feet in width, except as  
33 may be established and shown for good cause by the owner/developer and  
34 then provided for in the PD zoning ordinance.
- 35
- 36 s. The PUD shall provide for transit access (either on site or on abutting  
37 roadways) and shall include construction of an appropriate number of  
38 transit shelters, as determined at the PD zoning stage and specified in the  
39 PD zoning ordinance.
- 40
- 41 t. A maximum of three drive-through facilities shall be allowed. No direct

1 access from NE 39<sup>th</sup> Avenue or NE 53<sup>rd</sup> Avenue shall be allowed. All  
2 access to the drive-through facilities shall be from the internal roadway  
3 system in the PUD.

4  
5 u. A maximum of two access points, unless additional access points are  
6 approved by the FDOT and the City of Gainesville, shall be allowed along  
7 NE 39<sup>th</sup> Avenue, subject to the final approval of FDOT. Any proposed  
8 reconfiguration of the existing road connection to the Ironwood Golf  
9 Course is subject to FDOT and City approval at the PD zoning stage.  
10 Boulevard-type driveways with the ingress/egress split by a landscaped  
11 median and other entry-type features shall count as a single access point.  
12 These access points shall be specified in the PD zoning ordinance.

13  
14 v. A maximum of two access points shall be allowed along NE 53<sup>rd</sup> Avenue  
15 unless additional access points are approved by Alachua County and the  
16 City of Gainesville, in accordance with the Alachua County Access  
17 Management regulations, and the locations shall be included in the PD  
18 zoning application. All access points are subject to Alachua County and  
19 City of Gainesville approval at the planned development zoning stage and  
20 shall be specified in the PD zoning ordinance. To minimize traffic  
21 impacts from the Hatchet Creek PUD on NE 53<sup>rd</sup> Avenue, the access  
22 points on NE 53<sup>rd</sup> Avenue shall be interconnected with the internal road  
23 system in the Hatchet Creek development.

24  
25 w. A maximum of one access point shall be allowed along NE 15<sup>th</sup> Street.  
26 Any proposed access point along NE 15<sup>th</sup> Street shall be included in the  
27 planned development district zoning application. Any proposed access  
28 point is subject to City of Gainesville approval at the planned development  
29 zoning stage, and shall be specified in the PD zoning ordinance.

30  
31 x. Additional, limited emergency access will be allowed if the need for such  
32 is identified and the access is approved by local government agencies that  
33 provide the emergency service(s), and shall be specified in the PD zoning  
34 ordinance.

35  
36 y. Prior to the application for PD zoning related to the planned use district, a  
37 major traffic study shall be submitted that meets the specifications  
38 provided by FDOT, Alachua County, and the City of Gainesville, and the  
39 traffic methodology used in the study shall be agreed to in a letter between  
40 the City, and the owner/developer. Any traffic studies undertaken by the  
41 owner/developer prior to the signed methodology letter with the City of



Gainesville may be unilaterally rejected by the City.

z. Prior to the second reading of the PUD land use amendment ordinance, the owner/developer shall sign a binding agreement for proportionate fair-share mitigation of the transportation concurrency impacts associated with the maximum amount of development identified in the future land use map amendment. The exact payment will be redefined by the PD development program during the PD zoning approval process, and the appropriate amendments to the binding agreement will be incorporated. The City shall amend the 5-Year Schedule of Capital Improvements to show the required transportation modifications and funding provided by the owner/developer. If sufficient funds are not available for the required transportation modifications, the owner/developer shall be required to limit the development program associated with the PUD to that which would not degrade the transportation level of service (LOS) below the adopted LOS for impacted roads.

aa. Prior to the application for PD zoning related to the Hatchet Creek planned use district, a signal warrant analysis for the intersection of NE 53<sup>rd</sup> Avenue/NE 15<sup>th</sup> Street and for the project driveway at NE 39<sup>th</sup> Avenue shall be submitted as part of the major traffic study requirements. The specifications for the signal warrant analyses shall be part of the traffic methodology letter that will be signed with the City of Gainesville. The owner/developer shall be responsible for the costs of any new traffic signals that are warranted as a result of the development's site related impacts, and the costs shall not be counted toward any required proportionate fair-share contribution for transportation concurrency.

bb. The owner/developer shall be responsible for the costs associated with tying a new traffic signal at the proposed entrance to the community on NE 39<sup>th</sup> Avenue into the Traffic Management System to ensure that the new signal communicates with the system, if and when such new traffic signal is installed.

cc. The following shall be executed and delivered to the City prior to approval of a development plan, prior to recording of a final plat, or prior to issuance of a building permit, whichever first occurs: (1) Avigation and clearance easements granting the owner/operator of the Gainesville-Alachua County Regional Airport Authority, its successors and assigns, the right to continue to operate the airport in a manner similar to current operations despite potential nuisance effects upon residential and any other

1 uses that are established by this PUD and/or by the required PD zoning  
2 ordinance; (2) Notice to Prospective Purchasers and Lessees of potential  
3 aircraft overflights and noise impacts; and (3) Declaration of Restrictive  
4 Covenants to address the property's proximity to the Airport and the  
5 imposition of local, state and federal regulations. The easements, notice  
6 and declaration shall be in a form acceptable to the city attorney and  
7 airport authority and shall be executed in a recordable form by the property  
8 owner. In addition, a copy of the Notice shall be given to prospective  
9 purchasers or lessees at the time of contract or lease negotiations.

10  
11 dd. All residential and non-residential development shall be constructed to  
12 achieve an outdoor to indoor noise level reduction (NLR) as specified in  
13 Appendix F - Airport Hazard Zoning Regulations, Chapter 30 of the  
14 Gainesville Code of Ordinances in effect at the time of application for a  
15 building permit.

16  
17 ee. The owner/developer shall fund any potable water and/or wastewater  
18 capacity improvements that are based on the PUD demands so that the  
19 adopted levels of service in the Potable Water/Wastewater Element of the  
20 City's Comprehensive Plan are maintained. The owner/developer shall  
21 sign a binding letter of agreement with the City to ensure that the funding  
22 will be available to make the required improvements.

23  
24 ff. At the time of application for PD zoning, the owner/developer shall  
25 provide design standards for all residential and non-residential uses in the  
26 PUD and, subject to City review and approval, those standards shall be  
27 specified in the PD zoning ordinance.

28  
29 gg. At least 80% of the residential development shall be housing designated  
30 for persons where at least one member of the household is 55 years or  
31 older in accordance with the Federal Fair Housing Act (Title 42, Chapter  
32 45, Subchapter 1, U.S.C.), the Florida Fair Housing Act (Chapter 760, Part  
33 II, F.S.) and all related federal and state regulations. This restriction shall  
34 be included on any plat or subdivision of land and in the restrictive  
35 covenants. The covenants shall be made expressly enforceable by the City  
36 of Gainesville, and shall not be amended without City approval as to this  
37 restriction.

38  
39 hh. This PUD does not permit or allow any development that would constitute  
40 a development of regional impact or any development that would require a  
41 development of regional impact review. Any PD zoning application or

1 any application for proposed development that exceeds the development of  
2 regional impact thresholds shall be required to follow the procedures as  
3 defined in Chapter 380, F.S. and applicable regulations of the Florida  
4 Administrative Code.

5  
6 ii. The PUD shall not be a gated community. Security features, if any, shall  
7 be addressed in the PD zoning application and specified in the PD zoning  
8 ordinance.  
9

10 **Section 3.** The underlying land use categories of “Single-Family (up to 8 units per acre),”  
11 “Industrial,” and “Recreation” on the property described in Section 1 of this ordinance are neither  
12 abandoned nor repealed; such categories are inapplicable as long as the property is rezoned to  
13 Planned Development “PD,” as provided in section 2 above. In the event, however, the property  
14 described in Section 1 of this Ordinance is not rezoned by ordinance to Planned Development  
15 “PD,” as provided in Section 2 of this Ordinance, then the overlay Planned Use District Category  
16 imposed by this Ordinance shall automatically be null and void and of no further force and effect  
17 and the overlay land use category shall be ministerially be removed from the Future Land Use Map,  
18 leaving the original and underlying land use categories in place. The timely filing of an extension  
19 application by the owner/developer to extend the aforesaid 18-month period shall toll the expiration  
20 date until final City Commission action on the extension application.

21 **Section 4.** The City Manager is authorized and directed to make the necessary changes in  
22 maps and other data in the City of Gainesville 2000-2010 Comprehensive Plan, or element, or  
23 portion thereof in order to comply with this ordinance.

24 **Section 5.** If any word, phrase, clause, paragraph, section or provision of this ordinance  
25 or the application hereof to any person or circumstance is held invalid or unconstitutional, such

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1 finding shall not affect the other provisions or applications of the ordinance which can be given  
2 effect without the invalid or unconstitutional provisions or application, and to this end the  
3 provisions of this ordinance are declared severable.

4 **Section 6.** All ordinances, or parts of ordinances, in conflict herewith are to the extent of  
5 such conflict hereby repealed.

6 **Section 7.** This ordinance shall become effective immediately upon passage on second  
7 reading; however, the effective date of this plan amendment shall be the date a final order is issued  
8 by the Department of Community Affairs finding the amendment to be in compliance in accordance  
9 with Chapter 163.3184, F.S.; or the date a final order is issued by the Administration Commission  
10 finding the amendment to be in compliance in accordance with Chapter 163.3184, F.S.

11 **PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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\_\_\_\_\_  
Pegeen Hanrahan,  
Mayor

ATTEST:

APPROVED AS TO FORM AND LEGALITY:

\_\_\_\_\_  
Kurt Lannon,  
Clerk of the Commission

\_\_\_\_\_  
Marion J. Radson, City Attorney

This ordinance passed on first reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.













This ordinance passed on second reading this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

# Exhibit "A"



## City of Gainesville

Hatchet Creek Planned Use District  
(Petition 23LUC-07PB)

-  Hatchet Creek PUD
-  Single Family
-  Residential Low Density
-  Residential Medium Density
-  Mixed Use Low
-  Commercial
-  Industrial
-  Education
-  Recreation
-  Public Facilities
-  Conservation
-  City Limits



0 1,400  
Feet

Prepared by the Dept. of Planning  
and Development Services  
GIS Section May 29, 2008  
File: 23LUC-07PB\_Law\_Dept\_052908

This map is for informational purposes only. Do not rely on this map for accuracy of information. The information on this map is current as of the date of publication. For more information or to request a copy of this map, contact the City of Gainesville, Florida.