

REQUEST TO PARTICIPATE IN FORMAL QUASI-JUDICIAL HEARING

(Please refer to the "Quasi-Judicial Hearings" information provided on page 4.)

Quasi-judicial matter (e.g., petition/ordinance #, etc.): PETITION PB-16-75-ZON

Date of hearing: 7-21-16

1. Please indicate your status as it relates to this matter:

: APPLICANT (i.e., the property owner or entity that has applied for a rezoning, Special Use Permit, development review, variance, etc.)

: AFFECTED PARTY (i.e., you either: a) have received or are entitled to receive mailed notice under Section 30-351 of the Land Development Code, OR b) believe you may, depending on the result of this quasi-judicial hearing, suffer an injury distinct in kind and degree from that shared by the general public.)

2. Are you for or against approval of this matter?

: FOR WITH CONDITIONS: PARCEL SPECIFIC LIMITING CONDITIONS
 : AGAINST

3. Name (please print): AL HADEED

Address: 582 NE 11TH ST. G'VILLE 32601

Phone number: 386-569-1156 (CELL)

Signature: Al Hadeed Date: 7-14-16

Attorney Information (if applicable):

Name (please print): AL HADEED & CO-COUNSEL
Address: TERRELL ARLINE, 433 N. MAGNOLIA

Phone number: 850-321-8726

Signature: Al Hadeed

This form together with any exhibits to be presented at the hearing shall be received by the City of Gainesville Clerk of the Commission (see contact info. above) no less than seven (7) calendar days prior to the date of the hearing as stated in the mailed notification letter.

Re: Petition PB-16-75 ZON

Affected Party Position: Approve with conditions

Specific Request: Enact a Parcel Specific Limiting Condition on the Approval

Summary Rationale: The MU-1 District includes uses as of right that will not promote neighborhood revitalization in this particular area. See attached statement presented to City Plan Board. Further, it is our understanding that the company to receive the Armory Reserve property does not object to removing these uses as of right. The company will be the landowner from the City and is willing to accept these limitations.

Language for Adoption

The rezoning of the property located at 1125 NE 8th Avenue legally described in Petition PB-16-75 ZON is subject to the parcel specific limiting condition that the following uses shall not be as of right: Outparcels; Community Residential Homes with more than 14 residents; Building construction – General contractors and operative builders; Plumbing, heating and air conditioning; Painting and paper hangars; Electrical work; Gasoline service stations; Automobile parking as a principle use; Accessory gasoline and alternative fuel pumps; Accessory transmission, retransmission and microwave towers over 100 feet in height; Rehabilitation centers; Residences for destitute people; and Social Service homes.

(These uses are in the order they appear in the MU-1 District for convenience of reference and are not in a priority order. Staff has indicated that parcel specific limiting conditions are not used by the City Planning Department. Their use, however, has been approved by the state reviewing agencies. Attached for a reference example is an excerpt of limiting conditions adopted by St. Johns County. While we have used such limiting conditions in local governments that we have represented, the attached examples are not a product of our representation of either St. Johns County or any party participating in proceedings with that County.)



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Print

Date: Thursday, June 30, 2016 6:15 PM

From: hadeedlaw@cfl.rr.com

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Cc: mimmsdl@cityofgainesville.org, folkersp@cityofgainesville.org

Subject: Re: Meeting regarding the US Army Reserve property

Unfortunately, I am out of town at a conference and have limited ability to address the City Plan Board. Please accept my apologies for the late submission. Because of the conference I am composing this in less than ideal conditions. I would like my comments read into the record by staff now that i have evaluated all of the materials.

First, I want to applaud the City's efforts to obtain title to this property and commencing true maintenance that benefits the surrounding neighborhoods.

Second, I want to strongly support the use of the property by Phalanx Defense Systems. Its "footprint" of activities will not be disruptive to the neighborhoods, nor dissuade homeowners from investing in improvements to their properties. I also believe it will encourage prospective homeowners to buy when they see the "upswing" in activities and the City's active intervention to sustain the livability of the surrounding neighborhoods. This includes the City's commitment to develop the adjoining park along the lines advocated by Friends of the Reserve Park.

The characteristics of how this company is operating is value added to our economic diversity. The fact that it is committed to "green technology" also contributes to the City's desire to be an innovation center. That the company will be creating employment of decent jobs is undoubtedly a big plus as well. But as it relates to our neighborhoods, the business will have no negative impact in how it operates (no industrial noise, no manufacturing of the recycled body armor inserts, no chemicals or emissions of odors, and no constant movement of commercial vehicles). They will only have a positive impact which will take nothing away from area residents.

While fully support of the land use changes to enable this use, I find I cannot be supportive of the MUL land use category without a parcel specific limiting policy. This parcel is only slightly more than 3 acres, not the typical acreage for the breadth of uses permitted under MUL.

Given the size of the parcel, the adjoining neighborhood park, and the need for revitalization of the present housing stock, I am urging a limiting policy that eliminates some of the uses by right which would be incompatible with the unique circumstances of this property and its surroundings. Specifically, I believe that allowing 5 stories for building heights for nonresidential uses is out of character for this low height environment. Likewise, the allowance of towers over 100 feet will not have a positive impact on neighborhood revitalization.

Further, certain non-retail uses would not be appropriate at this location including building construction, plumbing, HVAC, painting, sheetrock hanging, and electrical contractors. I have no problem whatsoever with these types of businesses, indeed they are vital for our community. However, the characteristics of how those businesses operate and specifically use the land will hinder neighborhood revitalization. They typically use yards for vehicles,

inventory, and equipment and would not be reasonably expected to add enhancing architectural features to the buildings or structure they construct to operate their businesses. Not that they would be bad neighbors, but they would not create an atmosphere conducive to neighborhood improvement, particularly for improvements that come from owner investments.

Additionally, allowing land uses for social welfare residential uses at this site also would not be compatible with a goal of relying on self-improvement of these neighborhoods. I am not opposed to such uses and they should be integrated appropriately into the community. But to place them here would only reinforce the dampening of values for the housing stock. It would signal that these areas are not likely to turn up in value and therefore dissuade owners from making substantial improvements to their properties and put off potential new purchasers because the long term vision of the neighborhoods is not dependable. Allowing these uses as of right would tend to concentrate more of this kind of housing that already exists in this particular area.

If the City chooses not to place a limiting policy on the MUL land use, then down the road if Phalanx outgrows the facility or chooses to relocate, then the MUL signals to all what they may be entitled to build. They may invest time and money into exploring proposals that do not fit into the community vision. It may prove to be a frustrating and futile effort for them, especially with neighborhood opposition and putting elected and appointed officials (and staff) in a very difficult spot.

Even assuming that over the long term future neighborhood revitalization is a failure, the limiting policy would not foreclose these uses if fundamental circumstances change significantly. A land use amendment can be made if the circumstances have so changed as to make the limiting policy or parts of it obsolete.

Consequently, I ask the staff and Plan Board to explore a limiting policy for the reasons mentioned. I would point out that this is purely a legislative proceeding for which there is wide latitude. DEO and its predecessor DCA have accepted such limiting conditions on land use amendments where unique circumstances merit such conditions.

I have chosen to invest in the neighborhood, believing in the worth of revitalization. I and my family have been strong supporters of Gainesville as an innovation center and as a community that values sustainability. WE operate entrepreneurial businesses in Gainesville that have received national recognition due in no small part to the innovation objectives of the City, combined with the support of our universities, the Chamber and business community. The City wants these neighborhoods to turn up in value, for quality of life and for added ad valorem tax revenues. The City needs investment in these neighborhoods by its present and future residents. The limiting conditions will remove an obstacle to the realization to that goal because of the expectation that this land use action creates. It conveys confidence by its thoughtful intent.

Thank you for your earnest consideration. Again, I apologize for the circumstances of this submittal. It just could not be helped under my present circumstances. Thank you.

----- "Harris wrote:
> Good Afternoon,
>
> You are receiving this email because you asked to be notified of any public meetings regarding the sale and future use of the US Army Reserve building and property located at 1125 NE 8th Avenue. If you no longer wish to receive this information, please let me know.
>
> The Gainesville Plan Board will meet on Thursday, June 30 at 6:30pm in the

EXCERPTED FROM ST. JOHNS COUNTY

(8) Site-Specific Limitations on Density/Intensity

(a) The property known as the State Road 16 Property legally described in Ordinance 2006-48 (the "Ordinance") is assigned a Residential B Future Land Use Designation under the Ordinance. The gross density of said property shall not exceed 54 residential dwelling units. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large-scale amendments to comprehensive plans.

(b) The property known as the Pacetti Property legally described in Ordinance 2006-53 (the "Ordinance") is assigned a Residential D Future Land Use Designation under the Ordinance. The gross density of said property shall not exceed 224 residential units and 2,500 square feet of water dependent commercial use. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large-scale amendments to comprehensive plans.

(c) The 145 acres of property located on the northeast and northwest corners of CR 210 and CR 223 as described in Ordinance No. 2005-26 (the "Ordinance") is assigned an Intensive Commercial (IC) Future Land Use Map Designation. The development intensity of those 145 acres shall not exceed 10,000 square feet of development per acre. Proposed changes to increase the allowed development intensity of the 145 acres are subject to the provisions of Chapter 163, Florida, regarding large-scale amendments to the Comprehensive Plan.

(d) The Property known as H.E. Wolfe Trust, a 310+/- acre development, legally described below, is assigned a Residential C Future Land Use Map Designation and a Conservation Future Land Use Designation through Ordinance 2006-148. The gross density of said property shall not exceed 801 cumulative residential units and 181,603 square feet of non-residential use in perpetuity. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large-scale amendments to comprehensive plans.

(e) The property known as Wildcat/Turnbull, containing approximately 436.69 acres as legally described in Ordinance No. 2007-66, is assigned a Residential-B Future Land Use Map designation and is limited to a maximum of 813 dwelling units. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large scale amendments to the Comprehensive Plan.

(f) The property known as Bannon Lakes, a 580 +/- parcel, is being capped at a maximum of 999 residential units, 105,000 square feet of commercial space and 15,000 square feet of office space.

Conservation easements in favor of the St. Johns River Water Management District shall be established pursuant to Section 704.06, Florida Statutes, in order to preserve and maintain no fewer than one hundred-eighty (180) acres of wetlands along with adjacent

uplands. The easements shall be placed in the Public Records of St. Johns County, Florida prior to construction plan approval for any development upon the Subject Property.

(g) The Cordova Palms DRI property legally described in Ordinance No. 2010-36 is assigned the future land use designations of Residential-C and Intensive Commercial (IC) as shown on the Future Land Use Map. Residential use on the Cordova Palms DRI property shall be limited to a maximum of 750 multi-family residential dwelling units, or some combination of single family and/or multi-family residential

units that will have the same or less net impact as 750 residential units on those public facilities and services with an adopted level of service. The maximum floor area of development within the Intensive Commercial future land use designation shall be 0.75. Proposed changes to increase the allowed development density are subject to the provisions of Chapter 163, Florida Statutes, regarding large-scale amendments to the Comprehensive Plan.

(h) The property known as the Lemberg South property legally described in Ordinance 2010-37 is assigned the future land use designations of Airport District and Industrial as shown on the Future Land Use Map. Development of the Lemberg South property shall comply with the following development standards:

(i) The following uses shall be permitted on the portion of the Lemberg South property designated as Airport District Land Use Category: a. Agriculture b. Cultural/Institutional c. Neighborhood Business d. General Business e. High Intensity Commercial f. Highway Commercial g. Light Industrial h. Neighborhood Public Service i. General Public Service j. Regional Business and Commercial;

(ii) Heavy Industrial, Residential, and Solid Waste and Correctional Facilities Uses shall be prohibited within the Industrial and Airport District Land Use Categories of the Lemberg South property; (iii) A minimum 100-foot wide natural vegetative buffer shall be provided between development within the Industrial Land Use Category and the adjacent Residential-B Land Use Category along the southeast boundary of the Lemberg South property. (iv) The maximum floor area ratio of development within the Industrial Land Use Category shall be 0.22. (v) The maximum floor area ratio of development within the Airport District Land Use Category shall be 0.22. (vi) Proposed changes to increase the allowed development intensity are subject to the provisions of Chapter 163, Florida Statutes, regarding large-scale amendments to the Comprehensive Plan.

(i) The property known as Sunshine 16 Parcel 4 legally described in Ordinance 2014-12 (the Ordinance) is assigned Residential C Future Land Use Designation under the Ordinance. The gross density of said property shall not exceed 52 residential dwelling units. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large scale amendments to comprehensive plans.

(j) A portion of the property known as St. Johns Marketplace legally described in Ordinance No. 2014-3 is assigned a future land use designation of Business and Commerce Park on the Future Land Use Map (the "Commerce Park Property"). Development of the Commerce Park Property shall comply with the following standards:

(i) Pedestrian and vehicular connections shall be provided to create an interconnected vehicular, pedestrian, and bikeway network between parcels.

(ii) Centralized traffic circulation, utilities, parking, drainage, open space and similar infrastructure shall be provided and may be shared throughout the Commerce Park Property.

(iii) Cohesive design themes shall be included within the Commerce Park Property to ensure consistency and compatibility of the development and to enhance the view shed of the Commerce Park Property along Interstate 95 and other major roadways. Such design themes shall at a minimum include building facades, landscaping, signage, parking-area design, and similar development techniques.

(iv)When feasible, large parking fields shall be placed behind buildings to minimize views of large paved parking areas from major roadways. Where large parking fields are necessary and are in view of major roadways, enhanced landscaping including, but not limited to, additional canopy trees shall be incorporated into the parking lot designs.

(v)Commerce Park Property shall be designed to avoid impacts to the wetland strand located in the center of the property.

(k)The property known as Heritage Oaks at St Johns, legally described in Ordinance 2014-8 (the "Ordinance") assigned a Residential C Future Land Use designation under the Ordinance. The gross development of said property shall not exceed 99 residential dwelling units. Proposed changes to increase the allowed development of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large scale amendment of the Comprehensive Plan.

(l)The property known as Bartram Park Planned Unit Development ("PUD"), containing approximately 582 acres as legally described in Ordinance No. 2014-16, is assigned a Residential B Future Land Use Map designation and is limited to a maximum of 616 dwelling units. Proposed changes to increase the allowed density of the Bartram Park PUD property are subject to the provisions of Chapter 163, Florida Statutes, regarding large-scale amendments to the Comprehensive Plan.

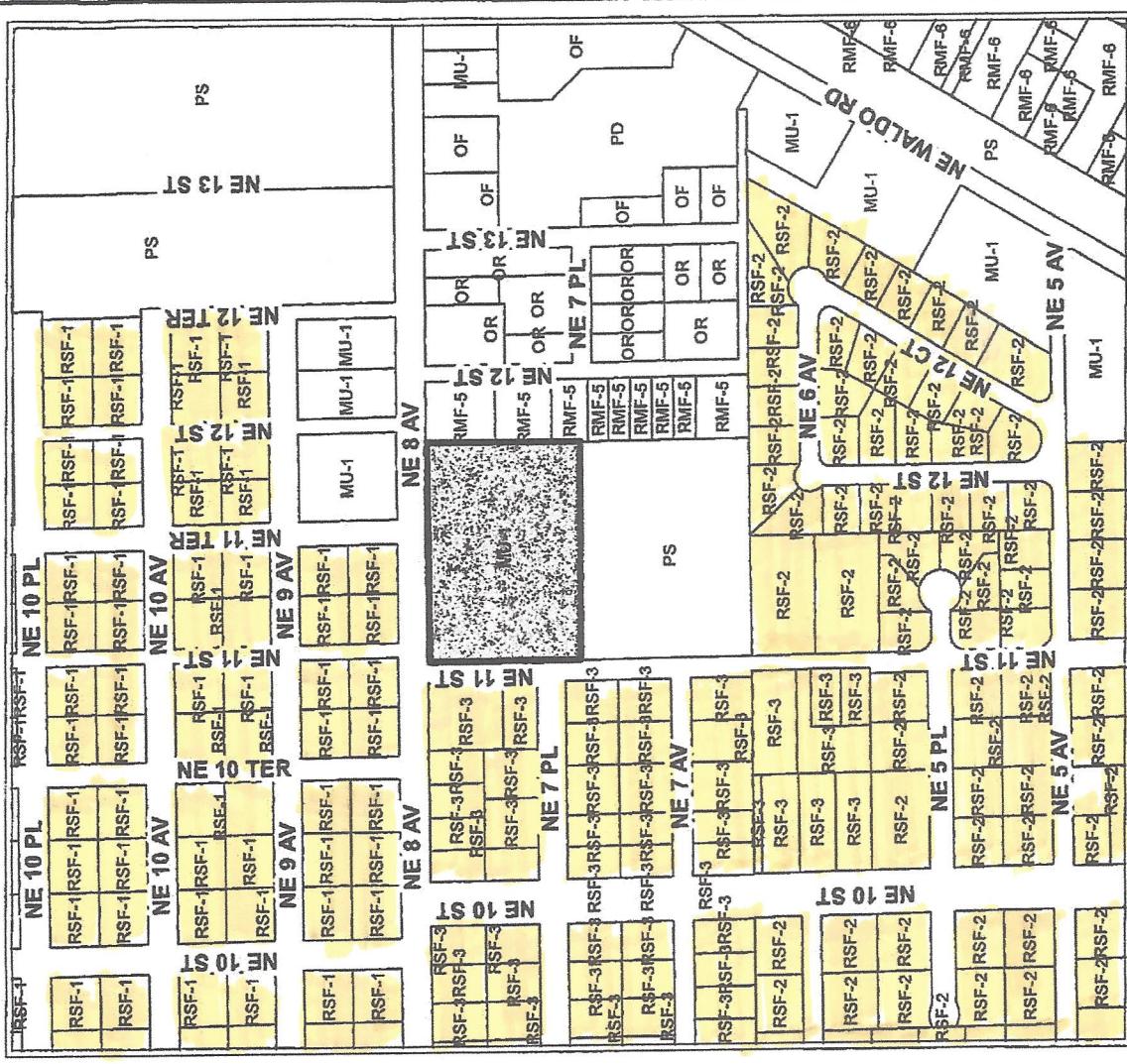
(m)The property known as Valencia Apartments legally described in Ordinance 2014-32 (the "Ordinance") is assigned a Residential D Future Land Use Designation under the Ordinance. The density of said property shall not exceed 288 multi-family residential dwelling units. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large scale amendments to comprehensive plans.

(n)The Property known as the Julington Lakes Planned Unit Development (PUD) ("Julington Lakes"), containing approximately 598.4 acres as legally described in Ordinance 2014-45 (the "Julington Lakes Ordinance"), is assigned a Residential-B Future Land Use Map designation and is limited to a maximum of 512 dwelling units. Proposed changes to increase the allowed density of the subject property are subject to the provisions of Chapter 163, Florida Statutes, regarding large-scale amendments to Comprehensive Plan.

(o)The property known as Durbin Creek National The property known as Durbin Creek National (COMPAMD 2014-07), a 1,624 acre parcel (the "Property"), has existing Future Land Use Designations of Intensive Commercial and Rural/Silviculture pursuant to St. Johns County Ordinance No. 2000-68. The portions of the Durbin Creek National Property designated Intensive Commercial shall be developed with a mixture of Commercial/Shopping Center, Office, Hotel and Residential uses. The portion of the Property with a future land use designation of Rural/Silviculture is part of the 1,500-foot Durbin Creek corridor (measured 750 feet from the center line of Durbin Creek). The timber rights forth this area will expire in 2025 and upon expiration, the Rural/Silviculture future land use area will become conservation area through a Comprehensive Plan Amendment, conservation easement or similar mechanism. The Property is included in the Durbin Creek National Urban Service Area boundary, as depicted on the St. Johns County Future Land Use Map, pursuant to Section 163.3164(50), Florida Statutes, and shall be exempt from development of regional impact review pursuant to Section 380.06(29)(c)(3), Florida Statutes.

Zoning District Categories

RSF-1	Single-Family Residential (3.5 du/acre)
RSF-2	Single-Family Residential (4.6 du/acre)
RSF-3	Single-Family Residential (5.8 du/acre)
RMF-5	Residential Low Density (12 du/acre)
RMF-6	Multiple-Family Medium Density Residential (8-15 du/acre)
OR	Office Residential (up to 20 du/acre)
OF	General Office
PD	Planned Development
MU-1	Mixed Use Low Intensity (8-30 du/acre)
PS	Public Services and Operations



PREDOMINANCE
OF SINGLE-FAMILY
LOW DENSITY
ZONING

Exhibit "B" to Ordinance No. 160123

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PROPOSED ZONING

Name	Petition Request	Petition Number
City of Gainesville	Rezone property from PS: Public services and operations district to MU-1: 8-30 units/acre mixed-use low-intensity district	PB-16-75 ZON

