

1 **BEFORE THE CITY COMMISSION**
2 **CITY OF GAINESVILLE, FLORIDA**

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5 **IN THE MATTER OF JEROME KELLY,**
6 **AGENT FOR George E. Fletcher, and Gloria**
7 **W. Fletcher, PETITIONERS¹**
8 **PETITION 142SUB-00PB, PHASE I (Legistar No. 001117);**
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11 **ORDER**
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13 The City Commission of the City of Gainesville held a formal quasi-judicial hearing on
14 July 23, August 7, August 28-29, October 14, 2002, and May 1, 2003 on Petition 142SUB-00PB,
15 Phase I (Legistar No. 001117), filed by Jerome Kelly, agent for George E. Fletcher and Gloria
16 W. Fletcher (Petitioners)². The petition was for final plat approval for Phase I, Walnut Creek, a
17 Planned Development, located in the vicinity of the 2600 Block of Northwest 39th Avenue.

18 The Petitioners were represented by Ronald Carpenter, Attorney (hereinafter referred to
19 as Petitioner). At the hearing on May 1, 2003, the City of Gainesville staff was represented by
20 Dana Crosby, Attorney (hereinafter referred to as Staff).

21 The City Commission determined that the following persons or entities were affected
22 parties: Sharon S. Dame, Jeff and Gayle Malpass, Myrtle L. Deaver, Amy Sue Beckner, Glen
23 Springs Preservation Association, Bonnie O'Brien, Elizabeth Furlow, Ramesh and Sneha Shah,
24 and Brian and Tammy Trahan. The following parties were represented by Samuel Mutch,
25 Attorney: Sharon S. Dame, Glen Springs Preservation Association, Bonnie O'Brien and
26 Elizabeth Furlow. Ramesh and Sneha Shah were represented by Deborah Andrews, Attorney.
27 (These persons and entity are hereinafter collectively referred to as Affected Parties).

¹ Luther E. Blake, Jr. and Irene Blake Caudle were the original Petitioners in this matter. A Notice of Substitution of Agency Relationship dated April 16, 2003, was filed with the City.

² The Hearing on Petition 142SUB-00PB, Phase I (Legistar No. 001117), was initially consolidated with Phase II (Legistar No. 020125). A Notice of Withdrawal of Walnut Creek Phase II dated April 11, 2003 was filed by the Petitioners with the City. The City Commission on May 1, 2003 struck Walnut Creek, Phase II (Legistar No. 020125) from the agenda.

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STATEMENT OF THE PETITION

The Petitioner filed revised plans and a revised subdivision plat with the City for Walnut Creek, Phase I. The Petition requested final plat approval for Phase I of the Walnut Creek subdivision as revised. The subdivision is zoned Planned Development. This subdivision is subject to the requirements of City of Gainesville Ordinance No. 991267, the planned development ordinance, as amended. Walnut Creek, Phase I is a 73-lot single-family residential subdivision.

PRELIMINARY STATEMENT

After hearing formal presentations, receiving evidence and testimony from Staff, the Petitioner, Affected Parties, expert and lay witnesses, all of whom were duly sworn, argument of counsel, and receiving comments from the general public, the City Commission voted to approve Petition 142SUB-00PB Phase I of the Walnut Creek subdivision (Legistar No. 001117), as specifically set forth below.

FINDINGS OF FACT

Based upon the oral and documentary evidence presented at the formal quasi-judicial hearing and the entire record of this proceeding, the following findings of fact are made:

- 1) Walnut Creek is zoned Planned Development. City of Gainesville Ordinance No. 991267 allows 138 single-family detached dwelling units and requires that the development obtain final plat approval. The proposed street layout, lot size, and common area are consistent with the Planned Development Layout Plan and Planned Development Report, which was adopted on October 9, 2000 by City of Gainesville Ordinance No. 991267.

1 The revised plans and revised subdivision plat for Walnut Creek Phase I are consistent
2 with the Planned Development Layout Plan, the Planned Development Ordinance, and the
3 Gainesville Code of Ordinances.

4 2) Petitioner presented testimony and evidence that, based on their studies and review, the
5 proposed stormwater management plan on the revised plans and revised subdivision plat met the
6 criteria required by the Gainesville Code of Ordinances.

7 3) Affected Parties presented testimony and evidence that, based on their studies and
8 review, the proposed stormwater management plan on the revised plans and revised subdivision
9 plat met the criteria required by the Gainesville Code of Ordinances.

10 4) Staff presented testimony and evidence that, based on their review, the proposed
11 stormwater management plan on the revised plans and revised subdivision plat met the criteria
12 required by the Gainesville Code of Ordinances. An outside consultant, retained by staff,
13 presented testimony and evidence that the proposed stormwater management plan on the revised
14 plans and revised subdivision plat met the criteria required by the Gainesville Code of
15 Ordinances.

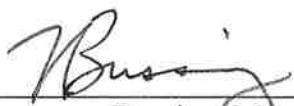
16 5) The City Commission finds that after reviewing the exhibits in evidence and hearing the
17 testimony of the witnesses, there is competent substantial evidence that the proposed stormwater
18 management plan on the revised plans and revised subdivision plat meet the criteria of the City
19 of Gainesville Code of Ordinances.

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21 **CONCLUSIONS OF LAW**


22 Based on the findings of fact set forth above, Petition 142SUB-00PB, Phase I, Walnut
23 Creek Subdivision (Legistar No. 001117), is consistent with the Planned Development Layout
24 Plan, the Planned Development Ordinance, and the City of Gainesville Code of Ordinances.

1 In view of the foregoing, Petition 142SUB-00PB, Phase I Walnut Creek Subdivision
2 (Legistar No. 001117) is APPROVED.

3 Entered this 14 day of May 2003.

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Thomas D. Bussing, Mayor

7 Attest:

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9 _____
10 Kurt M. Lannon, Clerk of the Commission
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12 Copies furnished to:

- 13
- 14 Ronald Carpenter, Esq.
- 15 Samuel Mutch, Esq.
- 16 Walter Mathews, Esq.
- 17 Jeff and Gayle Malpass
- 18 Myrtle L. Deaver
- 19 Amy Sue Beckner
- 20 Brian and Tammy Trahan
- 21 Wayne Bowers, City Manager
- 22 Marion J. Radson, City Attorney
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