

**PROPOSED CONDITION MODIFICATIONS  
TO  
STAFF CONDITIONS AS MODIFIED BY THE CITY ATTORNEY**

**In addition to the modifications listed below, the Applicant will have comments on the draft of the ordinance when it is prepared and would appreciate the opportunity to work directly with the City Attorney in advance of the publication of the ordinance, in order to resolve and clarify drafting issues/ambiguities prior to its release. Thank you.**

**Condition A-1**

The planned use district is a maximum of ~~1,500~~<sup>1,199</sup> residential units, ~~400~~<sup>500</sup> ALF (Assisted Living Facility) beds, and a maximum of 200,000 square feet of non-residential uses (to include a maximum of 100,000 square feet of retail space and a maximum of 100,000 square feet of office space). 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.

**Condition A-2**

No residential units including ALF beds shall be allowed within the 65+ DNL noise contour east of Ironwood Golf Course's easternmost boundary line (S 29°13'27" W 907.08' (L) S 29°14'38" W 907.02 (M); S 21°26'37" W 730.15' (L) N 21°27'18" E 730.34' (M); S 07°59'20" W 777.35' (L) N 07°59'52" E 777.45' (M); L63 M62; L61 M61; S 23°36'50" W 740.48' (L) S 23°37'31" W 740.44' (M); S 02°33'55" W 745.29' (L) S 02°34'43" W 745.20' (M)) Airport Noise Zone.

**Condition A-3**

For any non-residential development within the 65+ DNL noise contour east of Ironwood Golf Course's easternmost boundary line (S 29°13'27" W 907.08' (L) S 29°14'38" W 907.02 (M); S 21°26'37" W 730.15' (L) N 21°27'18" E 730.34' (M); S 07°59'20" W 777.35' (L) N 07°59'52" E 777.45' (M); L63 M62; L61 M61; S 23°36'50" W 740.48' (L) S 23°37'31" W 740.44' (M); S 02°33'55" W 745.29' (L) S 02°34'43" W 745.20' (M)) Airport Noise Zone, the only allowable uses shall be those permitted uses identified in the PD zoning ordinance and consistent with Appendix F, Airport Hazard Zoning Regulations of Chapter 30, Gainesville Code of Ordinances. In addition, such permitted uses shall be compatible or made compatible (in accordance with Table 1 of Appendix A to 14 C.F.R. of Part 150) with the Airport Noise Subzone within which the use is located.

**Condition A-4**

The area, uses, intensity and density of the Planned Use District shall be restricted as follows:

1) Zone: Within the 65+ DNL noise contour east of Ironwood Golf Course's easternmost boundary line (S 29°13'27" W 907.08' (L) S 29°14'38" W 907.02 (M); S 21°26'37" W

730.15' (L) N 21°27'18" E 730.34' (M); S 07°59'20" W 777.35' (L) N 07°59'52" E 777.45' (M); L63 M62; L61 M61; S 23°36'50" W 740.48' (L) S 23°37'31" W 740.44' (M); S 02°33'55" W 745.29' (L) S 02°34'43" W 745.20' (M)) Airport Noise Zone

Uses: No residential development including ALF beds is allowed. Accessory uses (e.g., recreational facilities) to residential development are permitted. Non-residential development is allowed in accordance with the permitted uses identified in the PD zoning ordinance and consistent with Appendix F – Airport Hazard Zoning Regulations, Chapter 30, Gainesville Codes of Ordinances.

Density: No residential development, including ALF beds.

Intensity: Maximum of 200,000 square feet of non-residential uses (to include a maximum of 100,000 square feet of retail space and a maximum of 100,000 square feet of office space) to be allowed within entire planned use district.

2) Zone: Outside of the 65+ DNL noise contour east of Ironwood Golf Course's easternmost boundary line (S 29°13'27" W 907.08' (L) S 29°14'38" W 907.02 (M); S 21°26'37" W 730.15' (L) N 21°27'18" E 730.34' (M); S 07°59'20" W 777.35' (L) N 07°59'52" E 777.45' (M); L63 M62; L61 M61; S 23°36'50" W 740.48' (L) S 23°37'31" W 740.44' (M); S 02°33'55" W 745.29' (L) S 02°34'43" W 745.20' (M)) and west of this boundary line Airport Noise Zone

Uses: A) Residential  
Density: Maximum of ~~1,500~~<sup>1,199</sup> dwelling units, plus ~~400~~<sup>500</sup> ALF beds

B) Non-residential  
Intensity: Maximum square footage allowed is the total square footage not used in the 65+ DNL noise contour east of Ironwood Golf Course's easternmost boundary line (S 29°13'27" W 907.08' (L) S 29°14'38" W 907.02 (M); S 21°26'37" W 730.15' (L) N 21°27'18" E 730.34' (M); S 07°59'20" W 777.35' (L) N 07°59'52" E 777.45' (M); L63 M62; L61 M61; S 23°36'50" W 740.48' (L) S 23°37'31" W 740.44' (M); S 02°33'55" W 745.29' (L) S 02°34'43" W 745.20' (M)) "Within Airport Noise Zone"

## Totals:

Density: Maximum of 1,500~~1,199~~ dwelling units, plus 400~~500~~ ALF beds.

Intensity: Maximum of 200,000 square feet of non-residential uses (to include a maximum of 100,000 square feet of retail space and a maximum of 100,000 square feet of office space) to be allowed within the entire planned use district.

**Condition E**

All direct impacts to jurisdictional wetlands will be mitigated in accordance with the methodology outlined in Chapter 62-345 Uniform Mitigation Assessment Method (UMAM), F.A.C. In addition, the mitigation plan will ensure that on-site creation of wetlands will result in no net loss of wetland acreage on-site (within the boundaries of the following tax parcels: 08160-001-000, 08160-004-000, 08160-001-001, 08160-004-001, 08160-002-000, 08197-006-000, 08169-000-000, 08171-001-000, 08171-000-000. and wetland buffers shall be prohibited, with the exception of crossings required for the internal road network and for egress and ingress into the planned use district. ~~Where such crossings cannot be avoided, impacts to the wetland resources shall be minimized to the extent practicable. All unavoidable, direct wetland impacts shall be mitigated in accord with applicable City of Gainesville and water management district requirements. As part of the overall wetland mitigation requirements for any unavoidable, direct wetland impacts, on-site mitigation shall be the first option. Any required on-site mitigation will be part of and will not supersede other wetland mitigation requirements of the comprehensive plan, land development code, and water management district.~~

**Condition H**

The owner/developer shall submit an environmental features report (in accordance with the requirements of the Ssignificant Ecological Communities zoning district Section 30-309, Gainesville Code of Ordinances, with the application for planned development zoning. As part of this report, the highest-quality uplands shall be delineated and any development within these high-quality areas shall be restricted. ~~In particular, the owner/developer shall preserve and restore the area identified as sandhill (FLUCCS code 412) in the northeastern part of the site. Restoration of any upland habitat on this site may require prescribed burning.~~

**Condition K**

Buffer and setback requirements for the wetlands and creeks in the planned use district shall be in accordance with the land development code, including the significant ecological overlay district requirements based upon review of the required environmental features report that shall be submitted with the application for planned development district zoning. The buffer and setback requirements shall be specified in the PD zoning ordinance. Regulated creeks on the site shall be limited to the areas depicted on the attached map.

**Condition L**

Buffer requirements pertaining to adjacent uses (including the municipal golf course) will be ~~proposed~~ provided by the owner/developer in the application for planned development district zoning and shall be included in the PD zoning ordinance. These buffers shall be designed to ~~minimize the impact on and~~ adequately buffer the adjacent uses.

**Condition Q**

~~A maximum of three drive through facilities shall be allowed. No direct access from NE 39<sup>th</sup> Avenue or NE 53<sup>rd</sup> Avenue shall be allowed. All access to the drive through facilities shall be from the internal roadway system in the planned use district. Drive-through facilities shall be determined in the PD zoning ordinance.~~

**Condition S**

~~A maximum of two access points shall be allowed along NE 53<sup>rd</sup> Avenue unless additional access points are approved by Alachua County and the City of Gainesville, in accordance with the Alachua County Access Management regulations, and the locations shall be included in the planned development district zoning. All access points are subject to Alachua County and City of Gainesville approval at the planned development zoning stage and shall be specified in the PD zoning ordinance. To minimize traffic impacts from the Hatchet Creek planned use district on NE 53<sup>rd</sup> Avenue, the owner/developer shall interconnect the two access points on NE 53<sup>rd</sup> Avenue with the internal road system in the Hatchet Creek development. Access points on NE 53<sup>rd</sup> Avenue and connectivity to areas south of Little Hatchet Creek shall be determined in the PD zoning ordinance.~~

**Condition X**

~~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 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.~~

**Condition Y**

~~Prior to the second reading of the PD zoning ordinance, the developer shall sign a binding letter of agreement with Gainesville Regional Utilities' GRU.com to provide for the installation of fiber optic cable consistent with the City's Traffic Management System (TMS) standards, which shall run along NE 39<sup>th</sup> Avenue from NE 15<sup>th</sup> Street to Waldo Road. 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.~~

**Condition Z-5**

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

**From:** Rasimensky@aol.com  
**Sent:** Wednesday, February 13, 2008 3:54 PM  
**To:** mimmsdl@cityofgainesville.org  
**Cc:** bredfeldea@cityofgainesville.org; hilliardrw@cityofgainesville.org;  
lazzarior@cityofgainesville.org; scottta@cityofgainesville.org; garlandma@cityofgainesville.org  
**Subject:** Fwd: Assisted Living Facility Beds in Gainesville  
**Attachments:** Assisted Living Facility Beds in Gainesville

Dear Dean -

Following is an email I just sent to Commissioner Donovan to respond to some questions he had asked me regarding assisted living facility beds in Gainesville. I thought I would also send this on to you, as it is responsive to your comments regarding Condition A. Also, the 83,000 figure referred to in the original email was footnoted as coming from a Gainesville Sun article.

Since it appears that there will be 581 assisted living beds in Gainesville by the Summer of 2009 without the increase in demand from the Hatchet Creek PUD site, perhaps you could see your way to supporting the 400 bed maximum limit for the site. This would be in line with Oak Hammock and The Village - roughly 30% of independent living homes. (I think we were in agreement that demand, without the Hatchet Creek or other age-restricted community development, should approximately double in the next 20 years - adding need for approximately another 581 beds. I understand this figure is different than the 192 ALF beds in Gainesville you cited in your email to me on February 1st. I gathered the information in the email to Commissioner Donovan by looking at the State's registry of licensed assisted living beds and confirming these figures by directly calling the facilities.)

Please let me know what you think. I look forward to hearing from you.

Kind regards,

**Robert A. Simensky**

East Gainesville Development Partners LLC

P.O. Box 5156

Gainesville, FL 32627-5156

Tel: (352) 222-7714

Email: [rasimensky@aol.com](mailto:rasimensky@aol.com)

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**From:** Rasimensky@aol.com  
**Sent:** Wednesday, February 13, 2008 3:35 PM  
**To:** DonovanJF@cityofgainesville.org  
**Subject:** Assisted Living Facility Beds in Gainesville

Dear Commssioner Donovan -

Thank you again for taking the time to meet with me on January 31st. I greatly appreciate your willingness to revisit some conditions, including expanding the footprint of the contemplated mixed-use development over the entire site.

I trust you received last week a copy of the updated Fishkind jobs report that was filed with the planning department last August, along with the other materials to match the proposed development limits on the site.

Based on our discussion regarding ALF beds and the questions you presented, I thought it would be useful to you to provide you with more detailed information regarding assisted living facilities in Gainesville. According to State records, there are 10 assisted living facilities in Alachua County - 7 of which are in Gainesville.

The seven facilities in Gainesville are:

1. Alterra Clare Bridge of Gainesville  
4607 NW 53rd Avenue  
Gainesville, FL 32606-4357
2. Alterra Sterling House of Gainesville  
4601 NW 53rd Avenue  
Gainesville, FL 32606
3. Harborchase of Gainesville  
1415 Fort Clarke Blvd  
Gainesville, FL 32606
4. North Florida Retirement Village  
8000 NW 27th Blvd  
Gainesville, FL 32606
5. Oak Hammock at UF  
2680 SW 53rd Lane  
Gainesville, FL 32608
6. Southwest Retirement Home  
3207 SW 42nd Place  
Gainesville, FL 32608
7. Summerville at Gainesville  
1001 SW 62nd Blvd  
Gainesville, FL 32607

After calling each facility and talking to the head of marketing wherever I could, following is the best information I was able to gather at this juncture. **There appears to be capacity of 581 assisted living beds in Gainesville, including 120 beds coming on-line at The Village in 2009.** I would expect local ALF bed demand to double in the next 20 years, independent of attracting seniors to Gainesville - as the Hatchet Creek PUD development is intended to do. I believe Staff is in agreement with this general assumption of demand independently doubling in the next 20 years.

The breakdown of assisted living beds is, to the best of my knowledge, as follows:

- Alterra Clare Bridge of Gainesville = 38
- Alterra Sterling House of Gainesville = 60
- Harborchase of Gainesville = 79

North Florida Retirement Village = 190 (including 60 double apartments becoming available in 2009)  
Oak Hammock at UF = 79  
Southwest Retirement Home = 12  
Summerville at Gainesville = 123 (108 assisted living beds in double rooms that can accommodate another resident, plus an additional 15 memory related rooms - there are currently 125 residents at Summerville)

This is substantially similar to the State's registry at <http://facilitylocator.floridahealthstat.com>.

You had also asked about the percentage of assisted living beds to independent living units at Oak Hammock and The Village. **Oak Hammock has 269 independent living homes, making the percentage of assisted living beds to independent living homes 29.4% (79/269).** The Village has 6 independent living areas, including 2 that are currently under construction. I spoke with the receptionist who provided me with approximate breakdowns of independent living units there - estimated to be 624, including approximately 250 homes under construction (Cottage Place = 64, Lake House = 180, Magnolia Grand = 60, Tower Villas = 70, Magnolia Grand South = 180 (under construction), The Cypress = 70 (under construction)). **Thus the estimated percentage of assisted living beds to independent homes (including units under construction) at The Village is 30.5% (190/624).** As you know, we have reduced the requested ultimate limit on ALF beds on the site from 500 to 400. **If the Hatchet Creek PUD had a comparable percentage (30%) of assisted living beds, it would translate into 360 to 450 ALF beds, depending on the maximum allowed home limit ultimately put on the site (1,199 to 1,500).**

Also for your information is the response I received from Dean Mimms on February 1st regarding Condition A, which includes the limit for ALF beds put on the site.

1. Condition A: PUD to apply to entire 500 acres of property with maximum of 1,500 residences and 400 ALF beds. No residential or ALF beds in 65+ DNL noise contour east of the golf course (i.e., existing Industrial area). *The City Commission after lengthy discussions excluded the approximately 199-acre, Industrial land use category from the PUD, and limited the PUD to 1,199 residential units. As to ALF beds, the population numbers you presented do not support your proposal for 400 ALF beds. Your January 22<sup>nd</sup> e-mail stated that there are an estimated 83,000 residents over the age of 55 in Alachua County. That number is not supported by the U.S. Census Bureau's 2006 Population Estimates for Alachua County, which show a total age 55 and above population of 45,692. The Census Bureau's 2006 estimate for age 65 and over is 23,659. Please provide additional documentation (e.g., a table showing age-cohort data from the Bureau of Economic and Business Research (BEBR) and we will review it. Absent such documentation, assuming a doubling in the age 65 and over population by the year 2030, staff would be willing to support a maximum of 200 ALF beds in the PUD. This number is more than twice the number of ALF beds that are now in Gainesville (192 beds. Per Agency for Health Care Administration, as of 10/25/07).*

I hope this information is responsive to the questions you presented in our meeting regarding ALF beds. Please do not hesitate to contact me if you would like any additional information.

Kind regards,

**Robert A. Simensky**  
East Gainesville Development Partners LLC  
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**From:** Rasimensky@aol.com  
**Sent:** Wednesday, February 13, 2008 7:07 PM  
**To:** DonovanJF@cityofgainesville.org  
**Subject:** Commercial Aircraft Activity

Dear Commissioner Donovan -

In our meeting on January 31st, you indicated the importance of ensuring the viability of the commercial passenger activities at Gainesville Regional Airport. I concur with your point of view and believe noise related to passenger activity is not an issue. In addition to the decline in passenger activity at the airport, the FAA has imposed more stringent requirements on aircraft noise emissions and will continue to do so. Furthermore, I believe the Hatchet Creek development will add sorely needed potential demand for passenger air travel at the airport.

Given the wide variety of information put forward, I thought it would be useful to you to provide you with projections and actual data, all published by the Gainesville Regional Airport, with respect to passenger activity at Gainesville Regional Airport. To gather this information I reviewed the Airport's March 1986 FAR Part 150 Study, the Airport's June 2006 Master Plan Update, and the Airport's website. All published information, put together, is still incomplete. However, this starts to put the reality of the situation into better focus.

Regarding aircraft operations (# of flights), below is a list of actual and projected information by year for air carrier (60+ passengers) and air commuter (less than 60 passenger) operations:

**FLIGHTS (takeoffs and landings)**

Year	Actual			1987 Projection		
	Carrier	Commuter	Total	Carrier	Commuter	Total
1985	3,350	8,640	11,990			
1988				4,600	18,000	22,600 (1985 actual is 53% of 1988 projected)
1990	6,462	13,426	19,888			
1991	3,847	13,044	16,918			
1992	5,088	12,965	18,053			
1993	4,703	10,465	15,168	6,800	18,300	25,100 (actual is 69% and 57% of projected)
1994	2,626	14,436	17,062			
1995	2,643	15,786	18,429			
1996	3,260	14,028	17,288			
1997	3,069	11,999	15,068			
1998	1,684	12,431	14,155	7,000	19,000	26,000 (actual is 24% and 65% of projected)
1999	1,664	11,022	12,686			
2000	1,800	9,027	10,827			
2001	1,447	8,577	10,024			
2002	1,626	7,994	9,620			
2003				7,300	19,300	26,500 (2002 actual is 22% and 41% of projected)
2004	2,567	4,392	6,959			
2005	2,781	10,865	13,646			
2006	1,690	11,252	12,942			
2007	2,527	9,088	11,615			
2008						27,331 (2007 actual is 42.5% of 2008 projected)

It is interesting to note that the larger passenger plane traffic is only a small fraction of what the airport projected it to be.

Regarding total passenger enplanements, following is the relevant actual and projected information from the same sources (all Gainesville Regional Airport). Importantly, the load factors for airport passenger operations have been quite low, with regional traffic operating at about two-thirds of capacity and commuter traffic operating well below 50% of capacity. This explains why it has been difficult for airlines to consistently provide service to Gainesville Regional Airport.

**PASSENGER ENPLANEMENTS**

Year	Actual			1987 Projection		
	Carrier	Commuter	Total	Carrier	Commuter	Total

1985			
1988	156,768	41,875	198,643
1989	121,727	53,357	175,084
1990	166,876	49,587	216,463
1991	113,290	62,916	176,206
1992	141,831	56,684	198,515
1993	136,401	48,008	184,409
1994	107,023	84,925	191,948
1995	94,586	85,233	179,819
1996	97,953	71,849	169,802
1997	110,665	69,088	179,753
1998	21,407	124,983	146,390
1999	1,963	149,150	151,113
2000	2,492	147,000	149,492
2001	1,358	119,794	121,152
2002	1,643	133,463	135,106
2003			484,000 (2002 actual is 27.9% of 2003 projected)
2004		129,074 (includes charter activities)	
2005		176,310 (includes charter activities)	
2006		162,844 (includes charter activities)	
2007		152,642 (includes charter activities)	
2008			561,088 (2007 actual is 27.2% of 2008 projected)

Total passenger enplanements in 2007 were approximately 70% of 1990 levels and 27% of projected levels. They are the lowest for all periods disclosed (since 1988) except 1998 - 2002 and 2004. Passenger enplanements are also down 13.4% since 2005 and may continue to decline as the economy worsens and jet fuel costs continue to rise.

Based on the actual data disclosed by Gainesville Regional Airport, it would appear that the Hatchet Creek development could be helpful to achieving the airport's goals of increased passenger activity. If I had a copy of the airport's 1987 Master Plan, it would have been interesting to compare the plan's projected passenger enplanements from 1988 to 2002 versus the actual figures.

I hope this data is helpful to you as you consider the passenger activities at the airport.

Please do not hesitate to contact me if I can provide you with any further information.

Kind regards,

**Robert A. Simensky**

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