

# NW 43<sup>rd</sup> St & NW 23<sup>rd</sup> Ave Redevelopment

*Small-scale Comprehensive Plan Amendment (Ss-CPA)*  
*(PB-20-141 LUC)*



City of Gainesville  
City Commission  
November 1, 2021

# REQUEST:

- SsCPA Application:
  - From: Office (O) and Conservation (CON)
  - To: **Planned Use District (PUD)** with Mixed-Use Low Intensity and Conservation uses
- *City Commission recommended changes at the April 28<sup>th</sup> hearing:*
  - Condition 1. Move away from mixed-use low intensity to **urban mixed-use land use**.
  - Condition 2. **No drive-through** facilities allowed.
  - Condition 3. **Allow more square footage** on ground floor and upper floors.
  - Condition 4. **Allow heights under urban mixed-use** land use.
  - Condition 10. **Allow the city to construct a park** on the conservation land.
  - Condition 11. Developer will **make best effort to save heritage trees**.



# Existing Future Land Use Map

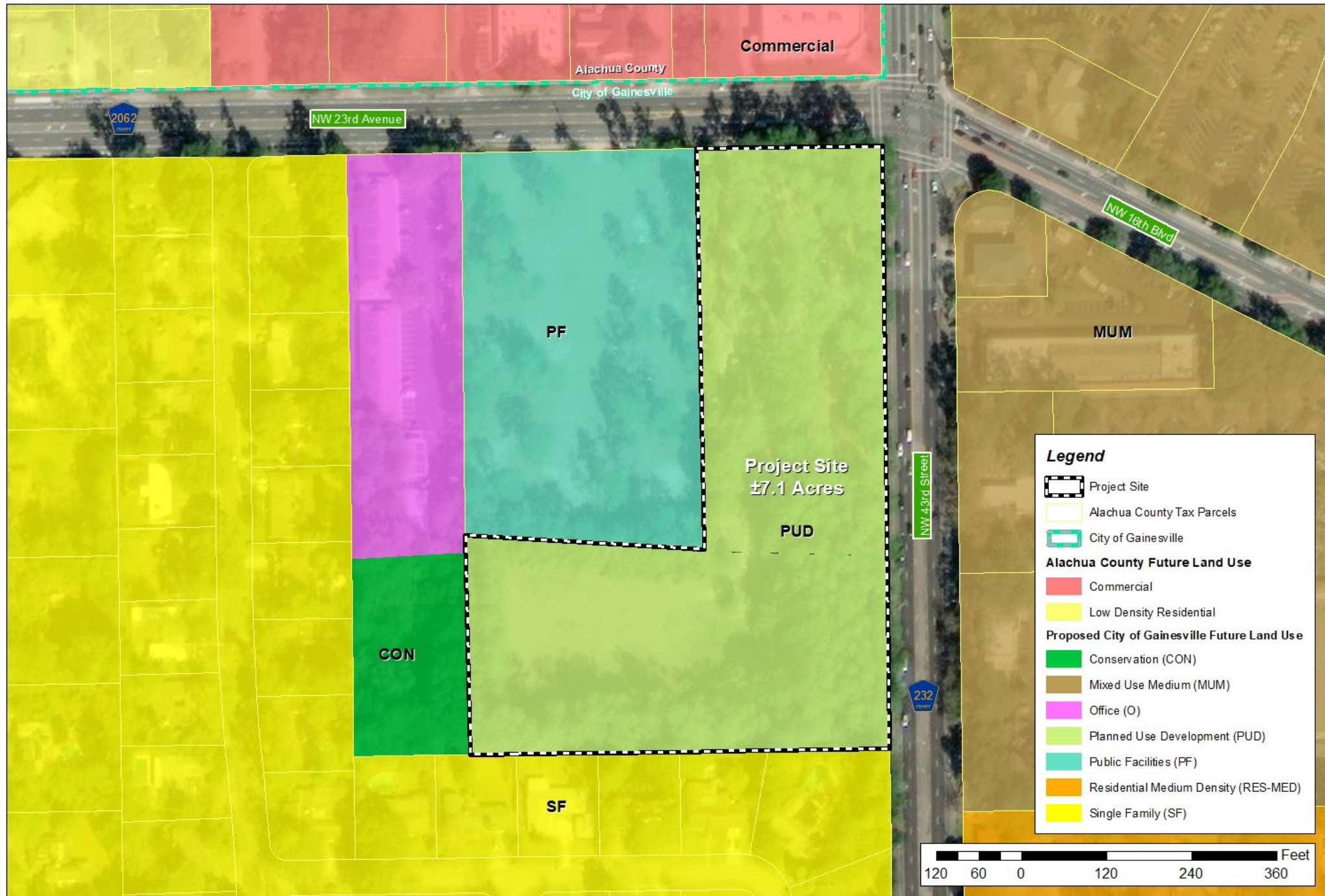
## FLU: Office and Conservation





# Proposed Future Land Use Map

Planned Use District (PUD) incorporating limited low intensity uses and conservation



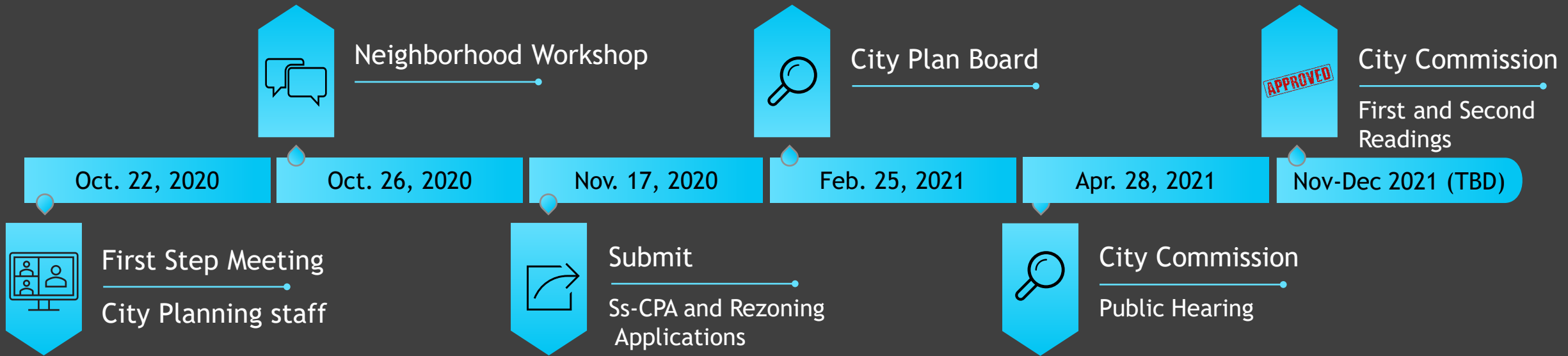
# INTENT:

Redevelop property with neighborhood-scale restaurant, retail, financial service, professional service, and conservation uses.





# SsCPA TIMELINE



# PUBLIC NOTIFICATION

## NEIGHBORHOOD WORKSHOP NOTIFICATION



17-0173-05

**To:** Neighbors of the NW 43<sup>rd</sup> Street and NW 23<sup>rd</sup> Avenue Intersection  
**From:** Ryan Thompson, AICP, Planning Project Manager  
**Date:** October 09, 2020  
**RE:** Neighborhood Workshop Public Notice

A virtual Neighborhood Workshop will be held to discuss proposed applications on ±7.1 acres in the City of Gainesville: a Small-scale Comprehensive Plan Amendment from Office (O) & Conservation (CON) to Planned Use District (PUD) incorporating limited Mixed-Use Low Intensity uses/Conservation and a companion Rezoning from General Office (OF) & Conservation (CON) to Planned Development (PD). Uses within the PUD and PD will include restaurant, retail, financial service, professional services, and Conservation. A proposed conservation easement will be in the southern portion of the site. The Workshop will also address the City Development Plan. The site is located at 4315 NW 23<sup>rd</sup> Avenue, Gainesville, FL, 32605 (Alachua County Tax Parcel 06371-003-000).

**Date:** October 26, 2020  
**Time:** 6:00 p.m.  
**Link:** [bit.ly/WDG-NHWS](http://bit.ly/WDG-NHWS)  
**Contact:** Ryan Thompson, AICP  
 11801 Research Drive  
 Alachua, FL 32615  
 (352) 331-1976  
 RyanT@CHW-inc.com

This is not a public hearing. The Neighborhood Workshop's purpose is to inform the public about the nature of the proposal and seek comments.

**Directions to Attend Meeting:** Using your web browser, visit the web address link above. Please note, the link is case-sensitive. For best performance, Google Chrome, Safari, Microsoft Edge, or Mozilla Firefox are recommended.

If you are unable to attend the meeting, please contact CHW using the information above and we will provide materials after the virtual meeting is held. Comments may also be submitted in writing to the address or email above or by phone at the phone number above. Printed copies of all materials discussed at the meeting will be made available upon request.

L:\2017\17-0173\Planning\Workshop\2020 Workshop\MAIL.0UT\_201009 WDG NHWS.docx

☎ (904) 619-6521 | 8465 Merchants Way, Suite 102, Jacksonville, FL 32222  
 ☎ (352) 331-1976 | 11801 Research Drive, Alachua, FL 32615  
 ☎ (352) 414-4621 | 101 NE 1st Avenue, Ocala, FL 34470

[www.chw-inc.com](http://www.chw-inc.com)



8A | SUNDAY, OCTOBER 11, 2020 | THE GAINESVILLE SUN

### Ballots

Continued from Page 1A

aid Barry Ritten, a political science professor at the University of Wisconsin-Madison, who has analyzed absentee data. "But there's a necessary caveat, which is the rate of rejection is higher in states that it could affect the outcome of the election."

Michigan and Pennsylvania rejected about 60,000 votes as provisional earlier this year, said Jonathan Collier, League of Women Voters' executive director. Only a few thousand votes of Donald Trump's margin of victory were voided in those states this year in counties won by Democrats during the 2016 presidential election that is considered one of the 2019.

For example, though the political groundwork has been laid to challenge vote-by-mail results, attorney General William Barr in September wrongly claimed that 370,000 mail ballots had been fraudulently cast. In September, Trump refused to commit to a peaceful transfer of power should he lose the election, citing his belief in widespread absentee ballot fraud.

The rising rates of absentee ballot rejection has not meant a loss of voter trust, USA TODAY/ABC found, but instead the triumph of one method, digital voters navigating an often confusing voting process. The widespread ballot rejection is not inevitable. Voters concerned over slow postal delivery may be able to opt their ballot as a drop box or bring it to the local election office, depending on state rules.

### Local elections may decide presidency

Absentee rejection rates are projected to flood battleground states. In Tennessee, Hamilton County alone is projected to reject up to 34,862 absentee ballots this November. Last month, the Pennsylvania Supreme Court handed down a decision that could more than double that number, and Philadelphia City Commissioner Mark Lisa Deby. Voters put their ballots into a "mailbox" envelope, then put that envelope into another envelope. If they use one envelope, their votes would be counted, said Deby, who has asked that lawmakers address the issue. "It just isn't fair to throw out a vote because of a technicality," she said.

North Carolina expects no more than 3 in 10 will

vote absentee, lowering rejected ballots to roughly 30,000 - below CTR projections but thousands higher than the 10,000 rejected ballots in the last presidential election. Should the rate go, it could be "a tremendous barrier" to the success of the secretary of North Carolina.

That's what voters voted on the same date it did in 2016, only 2,387 to 1,580 votes would be lost. But Wisconsin's rate of rejection approached its 2016 level, though many more than 21,000 ballots went uncounted.

States can also set Georgia rejected applications plummeted to roughly 1% in the recent primary due to mail-in voting. Last November, 40,000 absentee ballots were rejected.

Louisiana, which adopted provisions to the extent similar to Georgia's, estimates about 20,000 of roughly 200,000 absentee ballots could be discarded, below the 2016 projection of 22,000. "We hope your numbers are high," said Tyler Berry, spokesman for the secretary of state. "We hope we can bring it down to zero."

### Greatest impact on lower-income voters

The result of March, CTR's to confirm the Ben Greg Lewis of Milwaukee to a hospital bed. But Lewis' death was not the only one. The illness may lead to the polls rather than vote absentee, despite the voters' desire to stay at home. "I'm not sure if that's the best of get-out-the-vote effort tools for the PDU," people don't think their votes are going to get counted.

USA TODAY/ABC research found that in certain counties and states, voting absentee did not guarantee a vote of color at a disadvantage in 2016.

Combined, North Carolina counties with the largest percentage of Black residents rejected ballots at nearly double the rate than the rest of the state that year. In New York, an absentee ballot cast in heavily minority towns, Orange, Kings and New York counties was rejected at a rate more than twice as high as in predominantly white areas. In Nevada counties with the largest percentage of Hispanic residents, an absentee ballot was 2.3 times more likely to be rejected in 2016 than in counties that were less than 20% percent Hispanic, New Jersey, Louisiana, Georgia and Nevada all had higher rejection rates in 2016, according to CTR.

Living in wealthier counties could mean the difference between getting an absentee vote counted or discarded in certain states. As a group, voters in Pennsylvania counties where family income topped \$50,000 were twice as likely to get their absentee ballot counted, said Deby, who has asked that lawmakers address the issue. "It just isn't fair to throw out a vote because of a technicality," she said.

Nationally, counties where the poverty rate was less

than 1% also had a rejection rate of less than 1% in the last presidential election. The percentage of discarded absentee ballots tripled in counties where more than 3% of every 10 residents lived in poverty.

### Post-election focus could be on signatures

A minimized signature is not the most frequent cause of ballot rejection, but it is the most common cause of rejection in states where all sides are leveraging it, said Gregory Miller, co-founder of the CTR Institute, whose Trust the Vote Project began focusing on absentee voting last January.

Comparing a voter's signature on a ballot to his or her signature on official documents, such as an identification, is one way to guard against fraud. Typically requires a ballot to be signed by the voter, and a judge may call by a panel of election officials.

States the type of pen used and age can all affect any one signature. President George H.W. Bush's signature in 1976, for instance, is noticeably different from his signature when in the White House just 18 years later.

Monthly voters have been hard hit by signature questions in Florida. "If any of us absentee voters based the mismatched signatures in the last presidential election were in heavily Hispanic counties, a 2017 study of four California counties found that Asian American's absentee votes were disproportionately discarded because of mismatched signatures. In an August ballot, the Hispanic Voters' and high rates of rejected votes based on signature mismatches.

Administrative and CTR's have been experience signing paper documents, and in California have been "much more likely to have their ballots rejected for bad signatures than older voters," said the California Voting Foundation's, Alexander. Voters' offices, etc., is comfortable with paper, but has had two strokes. It's a sign of a trustworthy ballot, but the challenge is to have verification and said he "don't believe he could reliably sign his name the same way each time he does so."

### Voters must know their state's rules

With roughly 340 voters, Colby, Wisconsin, from Cook Theodor's looking after one-on-one voter assistance.

Everybody who's got an issue calls my home number, and if they really get an issue, they come to my house," she said.

In fact, absentee voting can often mean navigating a gridlock of requirements.

There are three alternatives, said Jan Conroy, a member of the Executive Committee of the Brooklyn Voters Alliance, whether a witness is required, or the color of ink, or whether the ink is blue. "We call it voter oppression by process."

During the 2020 Milwaukee primary, people who most needed to vote - the elderly and ill - were also required to bring someone into their homes to verify their ballot, and Neil Albrecht, outgoing executive director of the Milwaukee Election Commission. "People would call on us because they were concerned about having someone come into their homes and sign their absentee ballot as a witness," Albrecht told Fox41.com. They were in habits with witnesses. Many were not covered, he said.

Some local election officials are unable to keep up with absentee ballot rules, given constraints over everything from the number of drop boxes to ballot design. In a single day, the Pennsylvania Supreme Court extended mail deadlines, added and drop boxes and ruled election boards did not have to tell voters their ballots had trouble problems.

The biggest issue that "top in the air right now will be what additional steps we need to take to make sure" said Forest Lehner, governing county Pennsylvania, decisions that "top one of the courts changes the ballot design again, it's going to be almost impossible to get a correct administration out."

Writing is already a barrier, and so are repetitions. But that and numerous other issues are absentee ballot early and voters' votes are allowed, said Michael McDonald, a Utah of Florida political science professor whose "Ballot Status Election Project" tracks voting. "You can't be sure that that people who had their ballots voided are more likely to have them accepted than those who were counted in the first place." It gives a election official and the time to fix it whenever the issue might be.

"There's a lot of 'if's to cross and to do," said Anne Hagan, deputy director of the NAACP Legal Defense and Educational Fund's Thompson Marshall by name. "But if you believe in the fundamental principle of our democracy of one man, one vote, then you have to do everything to ensure that people are entitled to vote, get it."

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### PUBLIC NOTICE

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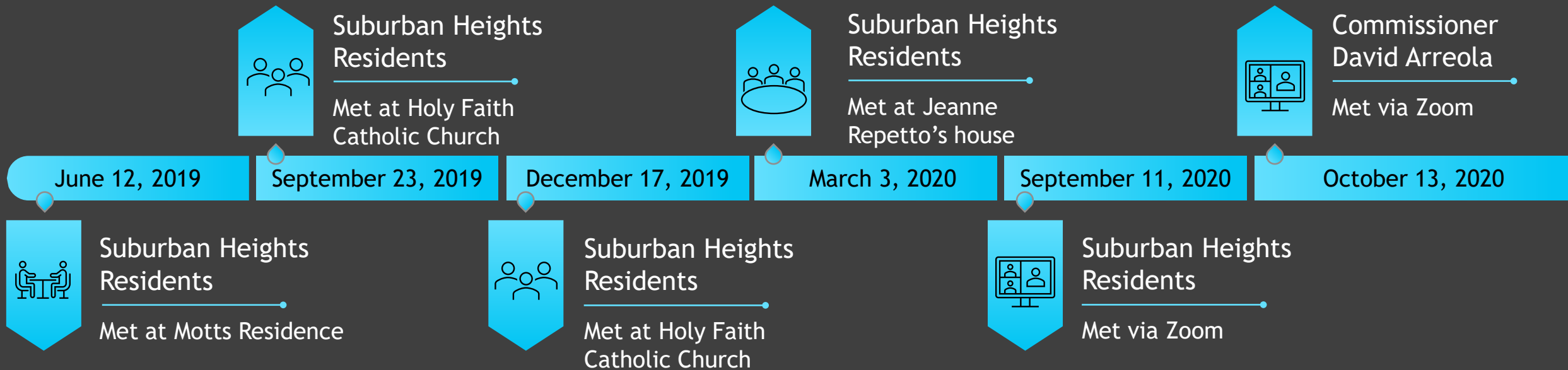
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**Contact:** Ryan Thompson, AICP  
 Address: 11801 Research Drive, Alachua, FL, 32615  
 Phone Number: (352) 331-1976  
 Email: [RyanT@CHW-inc.com](mailto:RyanT@CHW-inc.com)



# COMMUNITY ENGAGEMENT TIMELINE

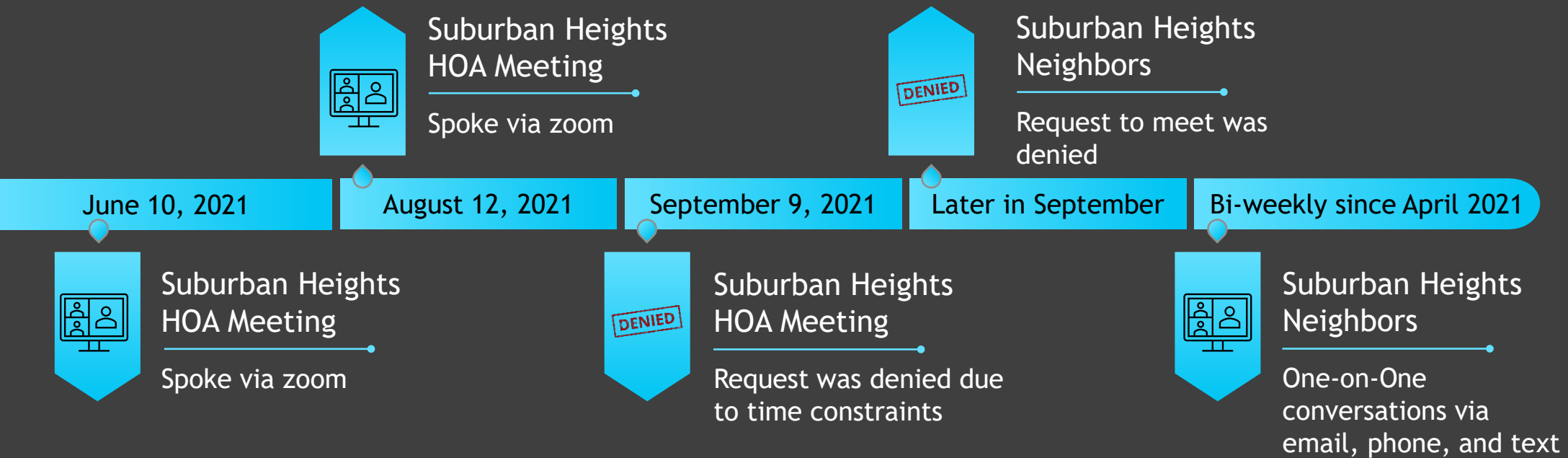
(Since the June 28, 2018 City Plan Board)





# COMMUNITY ENGAGEMENT TIMELINE

(Since the Apr. 28, 2021 City Plan Board)



## PUD CONDITIONS TODAY

The City Commission's proposed Land Use conditions, within the Ordinance, represent significant protections the applicant and neighbors drafted together to ensure specific compatibility measures would be legally enforceable.

Everything Kevin & Matt have promised still holds true under today's project.



### **DEVELOPMENT STANDARDS**

- Limits **site maintenance & delivery activities and hours**

### **DESIGN STANDARDS**

- Ensures **signage** is consistent with City code with attractive, terraced **landscaping**
- Requires **uses** to be self-contained
- Limits location of on-site **restaurants**
- Requires fully screened **garbage collection, recycling, and other utility areas**

### **TRANSPORTATION**

- Limits the maximum number of and location of **access points**
- Limits the location of the **southern access road**
- Requires **crosswalks**
- Defines owner/developer responsibility for **traffic**
- Defines owner/developer responsibility for cost of installing **additional traffic calming**
- Defines owner/developer responsibility to investigate **modification to the intersection** of NW 23<sup>rd</sup> Avenue and NW 46<sup>th</sup> Street
- Requires the Applicant to continue to work with the City's to review **traffic calming methods**
- Requires the Applicant to continue to work with **Alachua County Public Works**

### **LANDSCAPING**

- Requires building designed and placement to minimize the **tree removal**
- Restricts **sidewalk locations** along NW 43<sup>rd</sup> Street and NW 23<sup>rd</sup> Avenue
- Requires **parking lots** to be screened
- Limits **spill-over light** onto adjacent properties and residential areas
- Defines design, location, and height of **walls and fences**
- Prohibits **highway style guardrail, chain-link fencing, barbed wire or razor wire**
- Defines **landscaping** height, density, and species
- Requires a **landscaped berm** along the southern boundary

### **STORMWATER MANGEMENT FACILITY**

- Defines **SMF design** requirements

### **OPEN SPACE/CON**

- Limits uses permitted in the **Conservation Easement area**

# City Staff Recommendation

## RECOMMENDATION

Staff has evaluated the land use change according to the criteria outlined in the Land Development Code and recommends approval.



# Proposed Motion

Small-scale Land Use Amendment:

Recommend approval of PB-20-141 LUC based on the **competent and substantial evidence** presented in the applications, staff's report, and staffs' and the applicant's presentations this evening.

