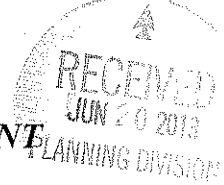




130432J



APPLICATION—CITY PLAN BOARD—TEXT AMENDMENT
Planning & Development Services

OFFICE USE ONLY

Petition No. PB-13-00065TCH Fee: \$ 607.75
 1st Step Mtg Date: _____ EZ Fee: \$ 00
 Tax Map No. Text Change Receipt No. 55784
 Account No. 001-660-6680-3401
 Account No. 001-660-6680-1124 (Enterprise Zone) []
 Account No. 001-660-6680-1125 (Enterprise Zone Credit) []

Name of Applicant/Agent (Please print or type)	
Applicant/Agent Name: East Gainesville Development Partners, LLC / Rod Smith, Esq.	
Applicant/Agent Address: Rod Smith, Avera & Smith, 2814 SW 13th Street	
City: Gainesville	
State: Florida	Zip: 32608
Applicant/Agent Phone: (352) 372-9999	Applicant/Agent Fax: (352) 375-2526

Note: It is recommended that anyone intending to file a petition for a text amendment to Chapter 30 of the City of Gainesville Code of Ordinances (Land Development Code) or to the Comprehensive Plan, meet with the Department of Community Development prior to filing the petition, in order to discuss the proposed amendment and petition process. The request will be evaluated as applicable to the particular zoning district or land use category on a citywide basis.

TEXT AMENDMENT

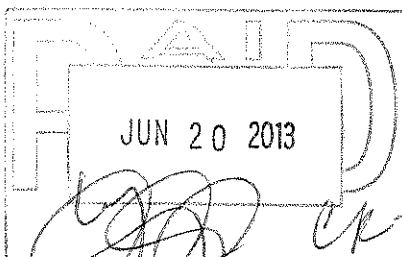
Check applicable request below:

Land Development Code <input checked="" type="checkbox"/>	Comprehensive Plan Text <input type="checkbox"/>	Other <input type="checkbox"/>
Section/Appendix No.: Appendix F	Element & Goal, Objective or Policy No.:	Specify:

Proposed text language and/or explanation of reason for request (use additional sheets, if necessary):

See attached.

Certified Cashiers Receipt:



CR # 55784

Explanation for Requested Change to Appendix F:

East Gainesville Development Partners LLC (“EGDP”) requests deletion of a restriction in Appendix F, Airport Hazard Zoning Regulations, Table 1. Land Use Regulation Chart that prohibits certain types of development on its property in the 65-60 dB DNL subzone. The prohibition applies only to EGDP’s property, the Hatchet Creek Planned Use District (FLUE Policy 4.3.5), and eliminates all reasonable use of approximately 180 acres in the middle of the PUD and consequently any opportunity to create a unified development program for the property. The restriction was adopted in December 2009, three years after EGDP had applied for a PUD depicting residential and other uses within the 65-60 dB DNL subzone. The attached map depicts the subzone and its relationship to EDGP’s property.

The specific change that is requested is deletion of a sentence in footnote (1) of Table 1 in Appendix F that states: “Development shall be allowed only on isolated lots within neighborhoods or developments that were constructed prior to December 3, 2009 (i.e., “infill development lots.”)” It is this sentence that limits the residential prohibition only to EGDP’s property, while allowing all other properties located in the 65-60 dB DNL subzone to be developed as residential dwellings, with appropriate sound mitigation measures and avigation easement. Sound attenuation measures and avigation easement requirements added to Appendix F in December 2009 in the 65-55 dB DNL subzones would remain in place, to wit: a minimum of 25 dB of exterior-to-interior noise level reduction and the provision of a permanent avigation easement. The additional restriction to the property made in the December 2009 amendment to Appendix F, i.e., prohibiting hospitals in the 65-60 dB DNL, will also remain applicable if the proposed amendment is approved.

The City’s prohibition of residential development in the 65-60 dB DNL zone is extremely rare. Our research indicates that out of approximately 19,842 airports, airparks and heliports in the United States and its territories, only 3 of such facilities have local governments (other than Gainesville), i.e., one out of 6,614 or less than 0.02%, which have adopted this standard. There is nothing about the City of Gainesville’s airport or the surrounding properties that provides a basis for this unusual restriction. There is no adequate factual or legal rationale for its adoption.

When Congress enacted the Airport Safety and Noise Act (“ASNA”) in 1979, it directed the Federal Aviation Administration (“FAA”) to establish a single system for measuring and assessing aircraft noise and further required the FAA to “identify land uses normally compatible with various exposures of individuals to noise.” 49. U.S.C. Sec. 47502. In response, the FAA promulgated Federal Aviation Regulation Part 150, which includes a table that identifies land uses that the FAA considers to be normally compatible and incompatible with aircraft noise at difference sounds exposure levels. 14 C.F.R. pt. 150, app. A, tbl. 1. All of the land uses, including residential, identified in Table 1 are considered to be compatible with aircraft noise below 65 dB DNL. It is noteworthy that the FAA will not participate in funding remedial measures in areas located in noise exposure contours less than the 65 dB DNL.

For at least 10 years prior to the adoption of the 65-60 dB DNL residential prohibition in December 2009, the City of Gainesville had restrictions in its land development code regarding how residences could be developed within areas that are exposed to noise in excess of 65 dB

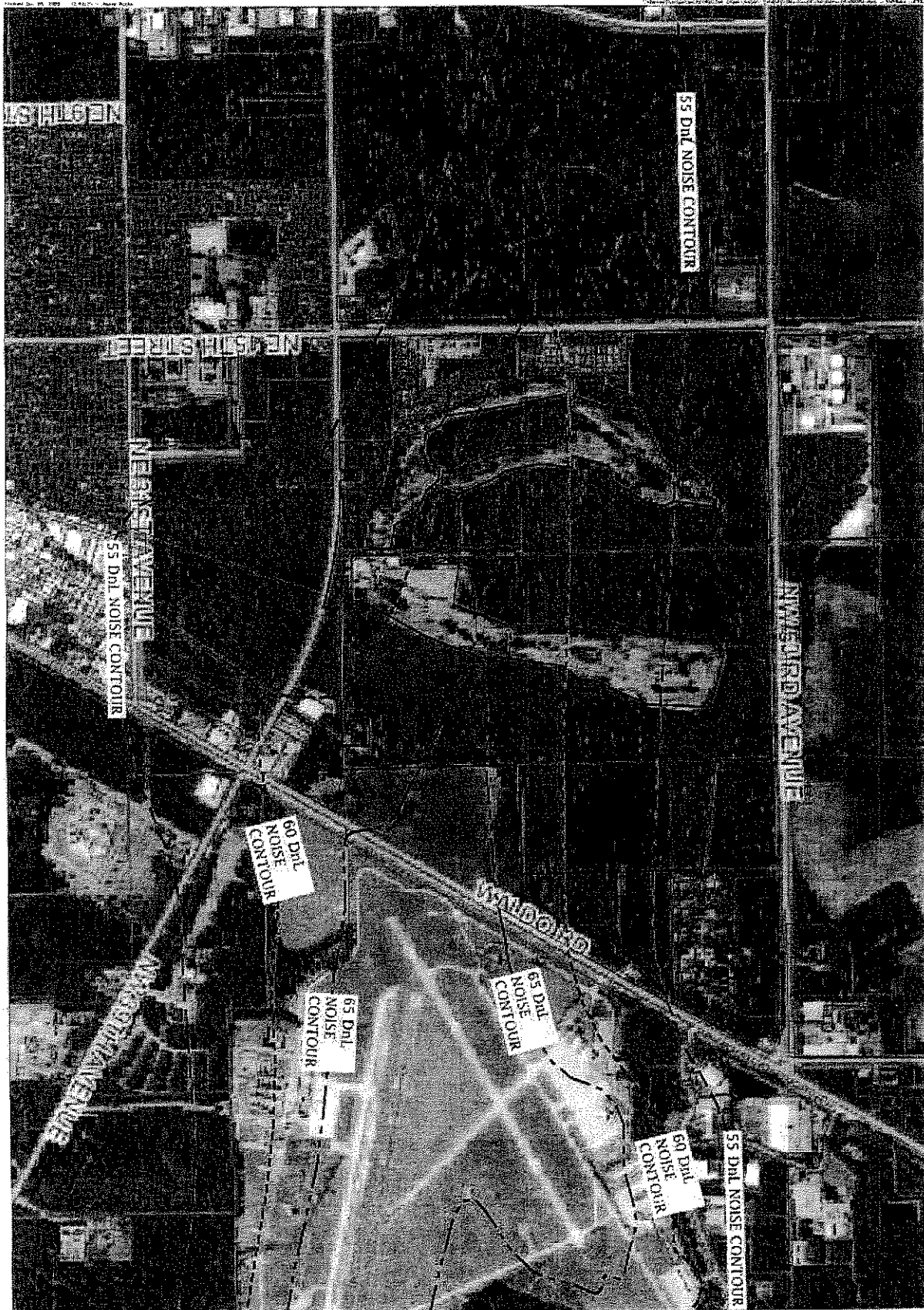
DNL. During that time, new residential development was authorized by the City and built within the 70-65 dB DNL noise contour, as defined in Appendix F at that time. There were no restrictions on residential development in the 65-60 dB DNL contour area during that time. Even so, according to the Gainesville-Alachua County Regional Airport Authority's Chairman and its CEO, there were no documented noise complaints made to the airport. The significant expansion of the prohibition of development occasioned by the 2009 amendment of Appendix F is unwarranted and should be eliminated.

New Structures. New structures proposed within any Airport Noise Zone defined by these regulations shall comply with the requirements of these regulations before permanent occupancy is permitted.

d. *Regulated Uses within the Airport Noise Zone.*

Table 1. Land Use Regulation Chart

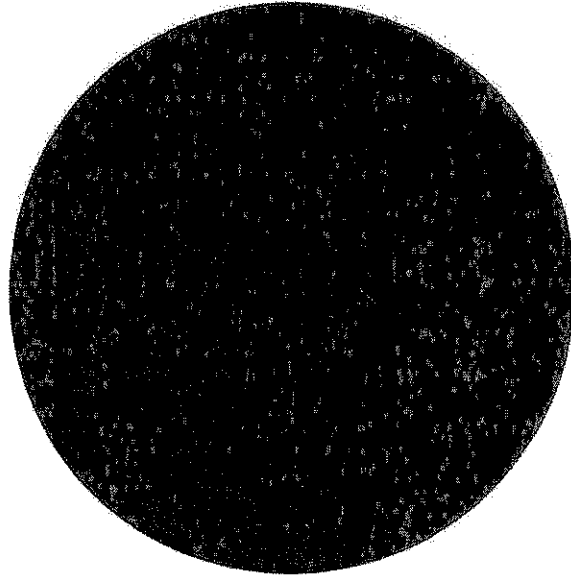
Subzones	A 65 dB DNL	B 65—60 dB DNL	C 60—55 dB DNL
Dwelling, intended for residential occupancy (excluding hotels, motels, and similar short-term transient occupancies)	Prohibited	Restricted (1)	Permitted (2)
Places of religious assembly, auditoriums, concert halls, Libraries and similar assembly uses (primarily indoor uses)	Prohibited	Restricted (1)	Permitted (2)
Hospital	Prohibited	Prohibited	Permitted (2)
Correctional institution	Prohibited	Restricted (1)	Permitted (2)
Nursing homes, assisted Living facilities, social service homes and halfway houses	Prohibited	Restricted (1)	Permitted (2)
Public and private school, daycare centers, and other educational facilities (excluding aviation-related schools)	Prohibited	Restricted (1)	Permitted (2)
Outdoor Sports Arenas, amphitheaters and similar uses (primarily outdoor uses)	Prohibited	Permitted (2)	Permitted (2)
<p>(1) Development shall be allowed only on isolated Lots within neighborhoods or developments that were constructed prior to December 3, 2009 (i.e., "infill development Lots.") Any such development that is allowed shall provide a minimum of 25 dB of exterior-to-interior noise Level reduction and the property owner shall provide the City and the Gainesville Regional Airport with a permanent aviation easement in accordance with (g) below.</p>			
<p>(2) All development shall provide a minimum of 25 dB of exterior-to-interior noise Level reduction and the property owner shall provide the City and the Gainesville Regional Airport with a permanent aviation easement in accordance with (g) below.</p>			



<p>Project Name: Highway 101 Project No: 130432J Prepared by: [Name] Date: [Date]</p>	<p>Hotspot Creek an Environmental Cluster Study City of Coltonville, Nevada</p>		<p>Scale: 1" = 100' NORTH </p>	<p>Legend</p> <table border="1"> <tr> <td>[Symbol]</td> <td>55 DNL NOISE CONTOUR</td> </tr> <tr> <td>[Symbol]</td> <td>60 DNL NOISE CONTOUR</td> </tr> <tr> <td>[Symbol]</td> <td>65 DNL NOISE CONTOUR</td> </tr> </table>	[Symbol]	55 DNL NOISE CONTOUR	[Symbol]	60 DNL NOISE CONTOUR	[Symbol]	65 DNL NOISE CONTOUR
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Local Governments Prohibiting Residential Development in 65 dB - 60 dB DNL Near Airports

0.02%



99.98%

▨ Local Governments Prohibiting Residential Development within the 65 dB - 60 dB DNL Near Airports

■ Local Governments Permitting Residential Development within the 65 dB - 60 dB DNL Near Airports

June 20, 2013